

ILLIN REGISTER

Rules of Governmental Agencies

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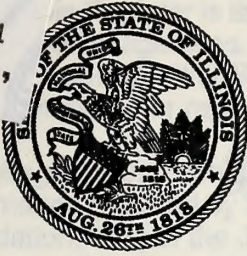
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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
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May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

INTRODUCTION

The Illinois Register is a periodic state document containing information on the activities of state government agencies. The table of contents is arranged alphabetically by agency name, and is published quarterly. It is a valuable source of information for the public and for state government agencies.

The Register also contains Executive Orders and Public Acts. It is a valuable source of information on the activities of the state government. The Register is published quarterly, and is available to the public at a nominal charge. It is a valuable source of information for the public and for state government agencies.

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Nov. 1, 1983	47	47	Nov. 1, 1983	47	47	Nov. 1, 1983	47	47
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Feb. 1, 1984	50	50	Feb. 1, 1984	50	50	Feb. 1, 1984	50	50
Mar. 1, 1984	51	51	Mar. 1, 1984	51	51	Mar. 1, 1984	51	51
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Oct. 1, 1985	70	70	Oct. 1, 1985	70	70	Oct. 1, 1985	70	70
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May 1, 1986	77	77	May 1, 1986	77	77	May 1, 1986	77	77
Jun. 1, 1986	78	78	Jun. 1, 1986	78	78	Jun. 1, 1986	78	78
Jul. 1, 1986	79	79	Jul. 1, 1986	79	79	Jul. 1, 1986	79	79
Aug. 1, 1986	80	80	Aug. 1, 1986	80	80	Aug. 1, 1986	80	80
Sep. 1, 1986	81	81	Sep. 1, 1986	81	81	Sep. 1, 1986	81	81
Oct. 1, 1986	82	82	Oct. 1, 1986	82	82	Oct. 1, 1986	82	82
Nov. 1, 1986	83	83	Nov. 1, 1986	83	83	Nov. 1, 1986	83	83
Dec. 1, 1986	84	84	Dec. 1, 1986	84	84	Dec. 1, 1986	84	84
Jan. 1, 1987	85	85	Jan. 1, 1987	85	85	Jan. 1, 1987	85	85
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Mar. 1, 1988	99	99	Mar. 1, 1988	99	99	Mar. 1, 1988	99	99
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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Standardization of Agriculture Products2) Code Citation: 8 Ill. Adm. Code 53) Section Numbers: Proposed Action:

5.220 Repeal

5.230 Repeal

4) Statutory Authority: AN ACT in relation to the inspection and standardization of horticultural, agricultural, apiarian, dairy and other farm products (Ill. Rev. Stat. 1987, ch. 5, pars. 93, 97, 99)5) A Complete Description of the Subjects and Issues Involved:

A hay, haylage and corn silage quality analysis program was established in 1985 to promote the economic benefits of feeding animals feed rations where the quality factors are known. At that time, the department was also demonstrating a new device for analyzing feed samples to farmers, extension personnel, livestock producers, students enrolled in agricultural education programs and other interested persons who are involved in the production and marketing of animal feeds. The device that was demonstrated was the near infrared reflectance testing unit.

Because this program was a demonstration and promotion project, only one or two samples could be analyzed per person and minimum charges were established.

This promotional project concluded a little over a year ago. Due to the costs associated with transporting the device around the state, it has been stationed at the animal diagnostic laboratory at Centralia. Persons desiring a quality feed analysis can submit samples to the laboratory. The cost of a feed quality analysis is \$30 and that fee is established in the laboratory fee schedule which appears in the rules at 8 Ill. Adm. Code 110.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the Director, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

This proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

2) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 28, 1990
- B) Types of small businesses affected: Anyone who desires a quality analysis of livestock feed (e.g., livestock producers, farmers who produce hay and corn, and companies involved in marketing or producing animal feeds.
- C) Reporting, bookkeeping or other procedures required for compliance: Person desiring feed quality analysis must submit sample to Centralia laboratory and pay the laboratory fee.
- D) Types of professional skills necessary for compliance: Basic management.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER a: GENERAL RULES

PART 5

STANDARDIZATION OF AGRICULTURE PRODUCTS

SUBPART A: GRADING OF MEAT AND POULTRY

Section	
5.10	Personnel
5.20	Grading Fees
5.30	Grading Standards for Meat and Poultry
5.40	Incorporation by Reference

SUBPART B: FEEDER PIG GRADING PROGRAM

Section	
5.70	Program
5.80	Grader Qualifications
5.90	Bonding of Graders
5.100	Feeder Pig Grading Standards
5.110	Identification of Feeder Pigs
5.120	Certificates
5.130	Grading Fees

SUBPART C: INSPECTION AND GRADING OF FRESH FRUITS AND VEGETABLES

Section	
5.170	Personnel
5.180	Grading Fees
5.190	Quality and Grading Standards for Fresh Fruit and Vegetables

SUBPART D: QUALITY ANALYSIS PROGRAM

Section	
5.220	Hay, Haylage and Corn Silage Quality Analysis (Repealed)
5.230	Fee Schedule for Quality Analysis Services (Repealed)

AUTHORITY: Implementing and authorized by "AN ACT in relation to the inspection and standardization of horticultural, agricultural, apiarian, dairy and other farm products" (Ill. Rev. Stat. 1987, 1983, ch. 5, par. 92 et seq.).

SOURCE: Rules and Regulations Relating To The Standardization of Agricultural Products, adopted July 20, 1973, effective July 30, 1973; amended September 18, 1973, effective September 28, 1973;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

amended July 4, 1975, effective July 15, 1975; amended October 17, effective October 27, 1975; amended October 20, 1977, effective November 1, 1977; codified at 5 Ill. Reg. 10435; amended at 6 Ill. Reg. 2581, effective Feb. 18, 1982; amended at 9 Ill. Reg. 5321, effective May 1, 1985; amended at 10 Ill. Reg. 3003, effective January 16, 1986; amended at 14 Ill. Reg. _____, effective _____.

SUBPART D: QUALITY ANALYSIS PROGRAM

Section 5.220 Hay, Haylage and Corn Silage Quality Analysis (Repealed)

- a) The Department of Agriculture shall perform quality analysis of hay, haylage and corn silage upon payment of the fee for such service as set forth in Section 5.230.
- b) The sample to be analyzed shall be delivered to the nearest infrared reflectance mobile van. The Department shall notify the county cooperative extension office and place notices in newspapers in the area advising persons as to the date, time and place where the mobile van will be available for providing quality analysis.
- c) The quality analysis factors on a hay, haylage or corn silage sample shall include:
 - 1) crude protein (percent of all protein in a feed);
 - 2) dry matter (percent of dry matter which allows rations to be balanced on a dry matter basis and provides moisture analysis for determining nutrient loss);
 - 3) acid detergent fiber (digestibility level);
 - 4) insoluble crude protein (percent of protein that can not be used by the animal's body);
 - 5) available crude protein (percent of protein that can be used by the animal's body);
 - 6) digestible dry matter (percent of the feed that can be used by the animal's body);
 - 7) relative feed value (total estimated feed value less nutritive quality of a sample based upon cal-

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- culations from the results of Subsections 5-220(c)(1) through (6),
- 8) percent of calcium,
- 9) percent of potassium,
- 10) percent of phosphorus, and
- 11) percent of non-digestible fiber.

- d) The person delivering the sample will receive a computer printout of the quality analysis factors in that sampler

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 5.230 Fee Schedule for Quality Analysis Services

(Repealed)

- a) Because the Department of Agriculture will be informing persons of the quality analysis service being offered and will be demonstrating the near infrared reflectance testing unit to farmers, livestock producers and other persons interested in the production and marketing of hay, haylage and corn silage or in the production and content of animal feeder the number of samples of hay, haylage and corn silage that will be tested for each person has been restricted during the demonstration phase (prior to April 1, 1985). However, the Department will test additional samples for each person if the van schedule permits. In formulating the van schedule the Department shall consider the number of samples which are expected to be submitted, travel time and expenses to the Department such as hotel, meat or per diem, and vehicle operating expenses in order to stimulate interest in the quality analysis program, a reduced charge for services rendered has been established during the demonstration phase.

- b) The maximum number of samples upon which quality analysis factors (see Section 5-220(c)) shall be provided and the cost of such service during the demonstration phase (prior to April 1, 1985) is as follows:

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Product	Maximum Number of Samples	Cost Per Sample
Hay	2 Samples Per Person	No Charge
Haylage	1 Sample Per Person	\$5
Corn Silage	1 Sample Per Person	\$5

- c) Beginning April 1, 1985, the Department of Agriculture shall charge and collect for quality analysis services:

Product	Cost Per Sample
Hay	\$10
Haylage	\$15
Corn Silage	\$15

- d) There will be no charge for quality analysis services rendered when performed as part of an agricultural education program at an educational institution (e.g., high school, college or university).

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life

2) CODE CITATION: 17 Ill. Adm. Code 870

3) SECTION NUMBERS: 870.80
PROPOSED ACTION: New Section

4) STATUTORY AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
Section 870.80 has been proposed to add language that will exempt the aquarium industry, State agencies and universities from the provision of this Part, so long as they are operating in a manner which will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER B: FISH AND WILDLIFE

PART 870
AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION
AND/OR POSSESSION OF AQUATIC LIFE

Section
870.10 Aquatic Life Approved Species
870.20 Aquaculture Permit Application Requirements
870.30 Aquaculture Facility Requirements
870.40 Aquaculture Operational Rules
870.50 Unlawful Acts
870.60 Restricted Species Transportation Permit Procedures
870.70 Penalties
870.80 Exceptions
AUTHORITY: Implementing and authorized by Section 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.3b, 1.5, 1.10, 3.20, 3.21 and 5.16)
SOURCE: Adopted July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed, New Part adopted at 13 Ill. Reg. 10503, effective June 20, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 870.80 Exceptions
Except in the case of injurious species as determined by the Department of Conservation, this Part does not apply to the aquarium industry or State agencies or universities, so long as they are operating in a manner which will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

(Source: Added at 14 Ill. Reg. _____, effective _____)

- 1) HEADING OF THE PART: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 530
- 3) SECTION NUMBERS:
530.10 Amendments
530.20 Amendments
530.80 Amendments
530.90 Amendments
530.100 Amendments
530.105 Amendments
530.110 Amendments
530.120 Amendments
- PROPOSED ACTION:
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to upland hunting regulations are necessary to maintain and manage healthy populations of upland species.
The changes include updating season dates, clarifying and simplifying the permit process, and expanding/modifying/ decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

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- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL
RABBIT AND CROW HUNTING

Section

- 530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Regulations
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendments at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989;

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amended at 14 Ill. Reg. _____, effective _____.

Section 530.10 Statewide General Regulations

- a) Shooting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.27) and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.28 and 3.29) are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20 and 530.60.

- b) To identify those hunters required to wear blaze orange during the firearm deer hunting season pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.26), upland game shall be defined as the following species: crow, ~~squirrel~~, cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

- a) Zones: South zone consists of all lands south of the line ~~from~~ that follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.

- b) Season dates:

North (all species) - November 4, 1989, 1990 - January 1, 1991

South (all species but rabbits) - November 4, 1989, 1990 - January 7, 1991

South (rabbits) - November 4, 1989, 1990 - January 15, 1991

- c) Hunting hours: Sunrise until sunset.

- d) Daily limit:

Cock Pheasant - 2

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Bobwhite Quail - 8
Hungarian Partridge - 2
Rabbit - 4

- e) Possession limit (after the first day of the hunting season):

Cock Pheasant - 4
Bobwhite Quail - 16
Hungarian Partridge - 4
Rabbit - 8

- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 1.13 or 3.27) or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and except that hens may be taken by falconry methods as described in 17 Ill. Adm. Code 1590.1 Falconry and the Captive Propagation of Raptors.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 8 through December 16, both dates inclusive, with the following exceptions:

- 1) All areas will be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season.

- 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 11.

- 3) The controlled hunting season on the Green River State Wildlife Area (Lee County Conservation Area) is November 8 through November 15, November 21 through December 16 and December 21 through December 23.

- 4) The controlled hunting season on the Iroquois County State Wildlife Area is November 10 through November 15, November 21 through December 19 and December 14 through December 16.

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- 5) The controlled hunting season on Chain O'Lakes State Park is October 31 through December 9.
- 6) The controlled hunting season on the Wayne Fitzgerald State Recreation Area is November 7 through November 15 and November 21 through December 21.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. Reservations are void after 8:00 a.m.
- c) When daily quotas are not filled, permits will be issued on a first-come, first-served basis until 12:00 Noon.
- d) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession. A \$10.00 Daily Usage Stamp must be purchased at each area.
- e) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- h) Non-hunters are not allowed in the field.

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- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Pheasants only may be taken. Daily limit:
Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Moraine View State Recreation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Des Plaines State Fish and Wildlife Area and Green River State Wildlife Area (Lee County Conservation Area).
- k) Tagging of birds.
All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season.
- 1) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation (except for Sangchris Lake and Railsplitter State Park). Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to five reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

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- c) ~~Applicants must be between the ages of 10-15 inclusive.~~ The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Railsplitter State Park) write to:

Illinois Department of Conservation
Permit Office - Pheasant
Lincoln Tower Plaza
524 South 2nd Street - Second Floor
Springfield, Illinois 62701-1787

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, Moraine View State Recreation Area, Wayne Fitzgerald (Rend Lake) State Recreation Area, Richland County Controlled Pheasant Hunting Area, Green River State Wildlife Area (Lee County Conservation Area) and Horseshoe Lake Recreation Area (Madison County).

- e) Permits for the Youth Pheasant Hunt at Sangchris Lake State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to:

Sangchris Lake Upland Game Permit (Youth)
Sangchris Lake State Park, R.R. 1, Rochester, IL
62563

- f) Permits for the Youth Hunt at Railsplitter State Park

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will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come or first-call basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choices of hunt dates. Applicants should be sent to:

Railsplitter Upland Game Permit (Youth)
Railsplitter State Park
R.R. 3
Lincoln, IL 62656

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November ~~12-1991~~, 1990, except at Sangchris Lake State Park where the hunt will be December ~~16, 1998~~, 1990, and at Railsplitter State Park where the hunt will be December ~~2, 3 and 16, 1991~~, 2 and 8, 1990.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Railsplitter State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one

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supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- e) Hunters and supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used.
- h) Daily limit.
 - 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Green River State Wildlife Area (Lee County Conservation Area), Des Plaines State Fish and Wildlife Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Moraine View State Recreation Area and Horseshoe Lake State Recreation Area (Madison County).
 - 2) Two cock pheasant, eight quail and four rabbits, at Sangchris Lake State Park.
 - 3) Two cock pheasant and four rabbits at Railsplitter State Park.
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake and Railsplitter State Park).

(Source: Amended at 14 Ill. Reg. _____, effective

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Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- c) All areas are closed to hunting Mondays and Tuesdays, Christmas Day and New Year's Day, with the following exceptions: non-fee rabbit hunting is allowed every Monday and Tuesday at Ramsey Lake State Park, which is closed on Christmas Day and New Year's Day; hunting hours are 9:00 a.m. to 3:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park, Silver Springs State Park, Sand Ridge State Forest and Site M Controlled Quail and Pheasant Hunting Area).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants and quail must be affixed with a Department tag before they are removed from the area.
- f) A drawing will be held at the site for hunter quotas; a \$10.00 daily usage stamp is required opening date through the day following the final game bird release.
- g) When daily quotas are not filled, hunters will be allowed to check in on a first-come first-served basis until 1:00 p.m.
- h) The Department will announce by public news release the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years

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old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.
- l) Hunters will not leave the site without first checking out.
- m) Pheasants of either sex may be harvested except at the Site M Controlled Quail and Pheasant Hunting Area where only cock pheasants may be harvested.
- n) Statewide regulations as provided for in this Part apply at the following sites, except as noted above and in parentheses below:

Horseshoe Lake State Park Recreation Area (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season)

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out by 3:15 p.m. - ~~closed first firearm-deer season~~)

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park (Hunters must check out by 3:15 p.m.)

Site M Controlled Quail and Pheasant Hunting Area

Washington County Conservation Area

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 --General

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Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) Flu arrows only may be used by bow and arrow hunters.
- c) Hunters engaged in quail, rabbit, pheasant, or Hungarian partridge hunting must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches at all Department-owned or -managed sites.:
- d) The Department will announce by public news release the registration time and quota to be filled at sites where the hunter quota will be filled by drawing at the sites.
- e) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (season - until the day after the close of the duck season - until statewide closing)

Big Bend Conservation Area

Big River State Forest (no hunting during firearm deer season)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers-managed lands

Carlyle Lake Wildlife Management Area (no hunting in the subimpoundment area 3 days prior to and during duck season)

Chain O'Lakes State Park - (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller

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may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area; falconry hunting permitted from the Monday after the non-fee season through January 31 except closed Christmas Day; free permit required, obtain from site office; harvest must be reported by February 15 or hunting privileges for following year will be forfeited)

Clinton Lake State Recreation Area (8:00 a.m. - 4:00 p.m.; hunters must check in and check out; DOC issued back patch must be worn while hunting; hunters surrender hunting license while hunting)

Crawford County Conservation Area

Des Plaines Fish and Wildlife Area (opens Wednesday through Sunday after permit pheasant season, and the following Wednesday through Sunday only; closed on Christmas Day and New Year's Day; 9:00 a.m. to 4:00 p.m.; check in and check out required; daily quota filled by first-come, first-serve basis; hunters must wear DOC issued back patch while hunting; hunters must check out by 4:15 p.m.; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhurst Branch only)

Ferrie Clyffe State Park

Fort De Chartres Historic Site (hunting with muzzle-loading shotgun or bow and arrow only)

Fort Massac State Park ~~(8:00 a.m. to 4:00 p.m.)~~

Giant City State Park (8:00 a.m. to 4:00 p.m.)

Green River State Wildlife Area (Lee County Conservation Area) (hunting for rabbit and quail on Monday and Tuesday only during the permit pheasant season; pheasant hunting permitted two days following close of permit pheasant season; either

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sex may be taken; hens must be tagged)

Hamilton County Conservation Area (8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area-Alexander County (Waterfowl Permit Area closed)

I-24 Wildlife Management Area

Iroquois County State Wildlife Area (season opens two days after the pheasant permit season closes and runs for 5 consecutive days; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out and wear Department issued back patch while hunting; pheasants of either sex may be taken, hen pheasants must be tagged with Department tag at the check station before leaving the area)

Johnson-Sauk Trail State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, and Mondays and Tuesdays (only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Jubilee College State Park (Sunrise to 4:00 p.m.)

Kankakee River State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Kaskaskia River Fish and Wildlife Area (except Doza Creek Waterfowl Management Unit closed 3 days prior to and during duck season)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during

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the first 9 days of the season)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (first 10 days of season, sunrise to 4:00 p.m.; daily usage quota filled on first-come basis; rabbit hunting only reopens the third Saturday in December for 9 consecutive days)

Marseilles Fish and Wildlife Area (no hunting during firearm deer season)

Marshall State Fish and Wildlife Area (no hunting during firearm deer season)

Mazonia State Fish and Wildlife Area (opens the first day after the close of the Central Zone duck season, except will not open on a Monday or Tuesday; hunting hours 9:00 a.m. - 3:00 p.m.; only shot size of #5 lead or #3 steel or smaller may be used; check in and check out required; hunter quota filled by daily drawing for first seven five days of season; to participate in daily drawing, hunters must check in by 8:30 a.m.; DOC issued backpatch must be worn during first seven five days; after the first seven five days, hunters must sign in and sign out and report harvest; area closes at 3:30 p.m. daily; closed Christmas Day)

Mermet Conservation Area

Middlefork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; no hunting during the firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days of the season)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

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Moraine View State Park (rabbit hunting only permitted on Mondays and Tuesdays of permit pheasant hunting season when hunters must sign in and sign out at check station, and wear DOC issued back patch; hunting for pheasant and rabbit is permitted from the day after the permit pheasant season for five consecutive days when hunters must check in and check out and wear DOC issued back patch while hunting; pheasants of either sex may be taken during this period; hen pheasants must be tagged with DOC tag at check station; hunting hours for both periods are 8:00 a.m. to 4:00 p.m.; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Panther Creek Conservation Area

Pike County Conservation Area (no hunting after November 30 in Area A)

Pyramid State Park (8:00 a.m. to 4:00 p.m.)

Railsplitter State Park (a pheasant and rabbit hunting program will be conducted 1 day only on December 17, 1999, 1990; Railsplitter Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address and birthdate. Applications should be sent to: Railsplitter Upland Game Permit (Adult), Railsplitter State Park, R.R. 3, Lincoln, IL 62656. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Railsplitter Upland Game Permit for a back patch to be worn while in the field.

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Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants and 4 rabbits are in force; it is unlawful to hunt in restricted areas; hunting for pheasant, quail and rabbit by falconry methods will be permitted from the last Sunday in October through the first Sunday in November per regulations in 17 Ill. Adm. Code 1590; the season will close prior to the first Sunday in November upon the harvest of 10 hen pheasants; falconry hunters must sign in at the site office before hunting and sign out immediately after hunting and report their harvest.)

Ramsey Lake State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Randolph County Conservation Area

Red Hills State Park (8:00 a.m. to 4:00 p.m.)

Rend Lake Wildlife Management Area

Rockhouse Creek (Monroe County)

Saline County Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Dale Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Parr Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (drawing at 8:30 a.m. at site for hunter quota; hunting hours are 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continued until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasants, rabbit and quail by falconry methods will be permitted on Mondays and

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Tuesdays during the Controlled Quail and Pheasant Program season dates per regulations in 17 Ill. Adm. Code 1590; it is unlawful to hunt by falconry methods in the vicinity of bird releases as birds are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by January 15; failure to report harvest will result in loss of hunting privileges the following year.

Sangamon County Conservation Area

Sanganois Conservation Area

Sangchris Lake State Park (a pheasant, quail, and rabbit hunting program will be conducted 1 day only on December 7, 1989, 1990; Sangchris Lake Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second, and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to: Sangchris Lake Upland Game Permit (Adult), Sangchris Lake State Park, R.R. 1, Rochester, IL 62563. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Sangchris Lake Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants, 4 rabbits, and 8 quail are in force. Rabbit hunting will be permitted at Sangchris Lake State Park from December 22, 1989, through the end of the season 22, 1990 through December 31 except on Christmas and New Year's Day; hunter quota will be announced by public news release; Daily Sangchris Lake Rabbit Hunting

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Permits will be issued on a first-come basis at the site office between 8:00 a.m. and 9:00 a.m. on each respective hunting day. Hunters must possess a Sangchris Lake Rabbit Hunting Permit at all times when hunting. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limit of 4 rabbits is in force.)

Shawnee National Forest, LaRue Scatters (sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of the Big Muddy Levee, sunrise - noon during statewide waterfowl season; after waterfowl season statewide hours; steel shot only)

Silver Springs State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release and runs for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Site M - Land leased from Commonwealth Edison in Cass County (In designated areas hunting will be allowed on weekends as announced by the Department. Hunting is limited to shotgun only in these areas. A hunter quota of 100 hunters is established on a first-come, first-served basis. In addition tenants of the site and their immediate families (tenant is a person who lives on the land; immediate family is any person (s) living with the tenant on the land) will be allowed to hunt. Check in time is one-half hour before sunrise and all hunters must check in and out through the check station. Hunters other

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than tenants and immediate families will be assigned to a designated hunting area to begin hunt; after one hour of hunting, hunters may move to other areas at this site; parking is permitted at designated parking areas only)

Snake Den Hollow Fish and Wildlife Area (season - the day after the close of goose season until the statewide closing)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15; parking card must be displayed in windshield while hunting)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 43 steel or smaller may be used)

Wayne Fitzgerald State Recreation Area (rabbit hunting only. Daily drawing at the site. Show up time 8:00 a.m. Hunting hours 9:00 a.m. through 3:00 p.m. daily. Hunting opens ~~Monday, December 14~~ Wednesday, December 26 through ~~Sunday, December 24~~ Tuesday, January 1, 1991. Only shot size of No. 3 steel or smaller may be used).

Weinberg-King State Park

Wildcat Hollow State Forest

f) Statewide regulations as provided for in this Part apply at the following sites, with additional regulations in

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parentheses. In addition, a free permit is required, which is obtained from each site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at that particular site for the following year.

Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites

- a) Statewide regulations as provided for in this rule for crow hunting apply at the following site (dates are in parentheses):

AMAX Leased Lands

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area (July 1 through August 15)

- b) Statewide regulations as provided for in this rule for crow hunting apply, except hunting is permitted only during the second portion of the season at the following sites (dates are in parentheses):

Anderson Lake Conservation Area (after Waterfowl season closes, but not before December 15, through March 1)

Big Bend Conservation Area (December 15 through March 1)

Big River (December 15 through March 1)

Silver Springs State Park (Day after site's upland game season closes, but not before December 15, through March 1, check in and check out required. Hunters must report harvest before leaving site)

Trail of Tears (December 15 through March 1)

- c) All hunters must make a reasonable effort to retrieve all crippled birds. All crows taken must be removed from the site by the hunter.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- 1) HEADING OF THE PART: Dove Hunting
2) CODE CITATION: 17 Ill. Adm. Code 730
3) SECTION NUMBERS: PROPOSED ACTION:
730.20 Amendments
730.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to the dove hunting regulations are necessary to maintain and manage healthy populations of doves.

The proposed changes include expanding/modifying/decreasing dove hunting programs on state-owned or managed sites as recommended following evaluation of site specific resources and clarification of the permit issuance process.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section
730.10
730.20
730.30

Statewide Regulations
Regulations at Various Department-Owned or -Managed Sites
Youth and Youth/Adult Dove Hunts at Various
Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

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Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area
(subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area
(steel shot in designated areas only)

Rend Lake

Sanganois Conservation Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day, statewide closing thereafter)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Banner Marsh State Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

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Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter.)

Big River State Forest (5:00 p.m. September 1 through Labor Day; statewide closing thereafter)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (September 1 - ~~10~~9, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Clinton Lake State Park (No hunting within 100 yards of dove management units; dove management units only, September 1 - 5, 5:00 p.m. closings; daily quota filled by drawing at designated units at 11:00 a.m.)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - 30; statewide regulations thereafter)

Des Plaines Conservation Area (September 9, ~~10, 16, 17, 23 and 24~~8, 9, 15, 16, 22, 23, 29 and 30; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhorst Branch)

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Ferne Clyffe State Park

Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only)

Ft. Massac State Park (5:00 p.m. closing)

Fox Ridge State Park (Dove Management Units only; September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Giant City State Park (September 1 - 5; 4:50 p.m. closing; statewide regulations thereafter)

Green River State Wildlife Area (Lee County Conservation Area) (September 6-October 30; season closed during dog field trials; 5 p.m. closing)

Hamilton County Conservation Area (5:00 p.m. closing)

Heidecke Lake State Fish and Wildlife Area (September 1 - 5, 5:00 p.m. closing; September 6 - 15 statewide hours; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (September 1 - 10, and on Saturdays, Sundays and Wednesdays from September 11 - 30, 5:00 p.m. closing)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.)

Horseshoe Lake Conservation Area - Alexander County

Horseshoe Lake State Park - Madison County (September 1 - 30, 5:00 p.m. closing)

I-24 Area (opening day, Wednesday, Saturday and Sunday only, 5 p.m. closing)

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Iroquois County Conservation Area (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7, statewide hours and seasons apply; hunting permitted only in designated areas; DOC issued back patch required September 1 - 7)

Johnson Sauk Trail State Park (September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first 2-weeks of season then everyday thereafter; steel shot size 6 or smaller only; 5:00 p.m. closing)

Kickapoo State Park (Hunters must check in and check out)

Lake Kinkaid Fish and Wildlife Area

Lake Le-Aqua-Na State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting within 300 yards of dove management areas)

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (September 1 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (open September 1 - 8, Monday through Thursday thereafter, 5:00 p.m. closing; September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; Monday through Thursday, thereafter statewide hours)

Marshall State Fish and Wildlife Area

Matthiessen State Park (September 1 - 15 on opening day, holidays, Wednesdays, Saturdays and Sundays except closed the Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Mazonia State Fish and Wildlife Area (September 1 - two weeks before duck season)

Mermet Lake Conservation Area (opening day, Wednesday, Saturday and Sunday only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (September 1 - 7, 5:00 p.m. closing; daily quota filled by drawing at site 11:00 daily, registration begins at 10:00 a.m.; after September 7, statewide regulations apply; at all times, hunters must maintain 20 yard spacing and hunt in designated areas only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (September 1 - 30) (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, noon - 5:00 p.m. from September 1 - 5, thereafter noon - sunset at these locations and elsewhere)

Moraine View State Park (September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (September 1 - 15 except closed Saturday and Sunday of Labor Day

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weekend; 5:00 p.m. closing)

Mt. Vernon Game Farm (5:00 p.m. closing; Wednesday, Saturday and Sunday only)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. all season; hunting by staked sits only)

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (September 6 - 17; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing; September 1-5; statewide regulations apply thereafter)

Red Hills State Park (5:00 p.m. closing; Wednesday, Saturday and Sunday only September 1 - 30; statewide regulations apply daily thereafter)

Rend Lake Wildlife Management Area (5:00 p.m. closing)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (5:00 p.m. closing)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Sand Ridge State Forest (September 6 - October 30)

Sangamon County Conservation Area

Sangamon County Conservation Area (5:00 p.m. closing September 1 - 5; statewide regulations apply thereafter; hunter quota to be filled on a first-come basis)

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Sangchris Lake State Park (September 6 - 30)

Shabbona State Park (September 1 - 15, 5:00 p.m. closing)

Siloam Springs State Park (noon - 5:00 p.m. all season; hunting by staked hunting sites only)

Silver Springs State Park (September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Snake Den Hollow State Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing through Labor Day, statewide closing thereafter)

Stephen A. Forbes State Park (5:00 p.m. closing)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15.)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing)

Union County Conservation Area (September 1-5; 5:00 p.m. closing; statewide regulations thereafter)

Washington County Conservation Area

Wayne Fitzgerald State Park Recreation Area (closed September 2 - 41 - 3 and during horseback field trials; 5:00 p.m. closing)

Weinberg-King State Park (5:00 p.m. closing)

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Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parentheses):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; hunting hours September 4 and 5 will be noon to sunset)

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; no shooting

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except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; hunters must hunt within 10 feet of marked sites; no gun may be carried onto dove field beyond shooting line; it is unlawful to move stakes or markers)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area; hunting hours September 4 - 5 will be noon to sunset)

2) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

- 5) All hunters must wear a back patch.

- 6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

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- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held on the first Saturday of the season, at the following sites:

~~Banner Marsh Fish and Wildlife Area~~

Horseshoe Lake State Park

Kankakee River State Park

~~Middle Fork Fish and Wildlife Area~~

~~Mt. Vernon Game Farm~~

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held on the first Saturday of the season, where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

~~Mt. Vernon Game Farm~~

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:30 a.m.

- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined

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by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.

- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.

- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- (i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller, ~~except Banner Marsh, where #6 or smaller steel shot must be used.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 510

- 3) SECTION NUMBERS: PROPOSED ACTION:

510.10

Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: The amendments to this Part are being promulgated by the Department to provide for clarification in statewide rules and to simplify Sections which pertain to hunting and trapping regulations for specific species and State-managed sites by deleting duplicative language.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section
510.10
510.20

General Site Regulations
Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63a28)

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984, amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

a) Regulations

- 1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.
- 2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

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- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
 - 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
 - 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 5) Adult - a person 18 years of age or older.
- c) It shall be unlawful:
- 1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day.
 - 4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.
 - 5) For unauthorized persons to use or occupy in any

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manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.

- 6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.
- 7) To hunt or trap outside designated areas at the site.
- 8) To trespass within a refuge.
- 9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 670, 690, 710, 730, and 740).

10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees.

11) To hunt or trap without a valid permit where permits are required.

12) To enter a refuge or restricted area to retrieve wounded game unless accompanied by a duly authorized representative of the Department or other duly commissioned officer authorized by the Department.

13) To hunt or trap on a site for the remainder of the controlled hunting or trapping season on that site after being issued a citation for violation of the Wildlife Code or Administrative Rules at that site. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 S. Second Street, Springfield, IL 62706. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the

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site so the procedures will be visible to the public.

2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

4) Site will have the authority to issue archery permits in addition to the two statewide permits; and to designate the sex of deer (antlered or antlerless) hunters may harvest through site-specific regulations.

e) For all those species to which a daily and/or possession limit shall apply, each hunter shall maintain his bag of said species separate and distinct from those of all other hunters.

f) Only shotgun or bow and arrow shall be used unless otherwise specified.

g) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing ~~an~~ special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by a public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by

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the Department.

- h) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while hunting cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. Trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

- 2) CODE CITATION: 17 Ill. Adm. Code 570

- 3) SECTION NUMBERS: PROPOSED ACTION:

570.20 Amendments
570.30 Amendments
570.40 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer trapping regulations are necessary to maintain and manage healthy populations of furbearers.

The proposed changes include updating season dates and expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price

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Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
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PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK,
WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
 - 1) Northern Zone: November ~~15~~¹³ through December 29.
 - 2) Southern Zone: November 25 through January 8.
- b) Red fox, gray fox and coyote
 - 1) Northern Zone: November 25 through December 29.
 - 2) Southern Zone: November 25 through January 8.
- c) Beaver

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- 1) Northern Zone: November 15 through March 15, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 15 through December 29, inclusive.

- 2) Southern Zone: November 25 through March 15.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

b) Red fox, gray fox and coyote

- 1) Trapping hours: November 25 open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

c) Beaver

- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; March 15 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping

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December 29 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours unrestricted.

- 2) Daily and possession limit: none.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- 2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.

- 3) Trappers must stay within designated areas.

- 4) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.

- 5) All sites except Amax Leased Lands, Lake Kincaid, Mississippi River Pools 16, 17, 18, 21, 22, 23, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report will result in the trapper being ineligible to trap at

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that site for the following year.

- 6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

Amax Leased Lands

Anderson Lake Conservation Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Banner Marsh State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; after the close of upland season foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered

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by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which will be issued at the site headquarters)

Clinton Lake Recreation Area (permit required; water sets only)

Coffeen Lake State Park (permit required; water sets only; no trapping during duck season)

Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Dog Island Wildlife Management Area (permit required; water sets only)

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhurst Branch only (permit required; water sets only)

Fort de Chartres Historical Site (permit required; water sets only)

Fox Ridge State Park (permit required; water-sets only; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Embarrass River only; all traps must be water sets only; furthermore, only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used; beaver trapping ends with the close of muskrat season).

Giant City State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used)

Green River State Wildlife Area (Lee County Conservation Area) (no trapping until after the close of the permit pheasant season; permit

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required)

Hennepin Canal Parkway including Sinnissippi Lake (permit required; water sets only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season)

Horseshoe Lake Conservation Area (Alexander County) (permit required; water sets only; ~~beaver, mink and muskrat trapping only~~)

I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used ~~for water sets~~)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake

Lake Kinkaid

Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; ~~body-gripping traps with a jaw spread exceeding five~~

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~~inches are limited to water sets only; all traps must be tagged with the letters ECWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)~~

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; ~~body-gripping traps with a jaw spread exceeding 5 inches are limited to water sets only; all traps must be tagged with the letters SFWA and the year; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)~~

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Mermet Lake Fish and Wildlife Area (permit required; water sets only; ~~beaver, mink and muskrat trapping only~~)

Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square

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body-gripping traps with 10 inch jaw spread only)
 Mississippi River Pools 16, 17, 18, 21, 22, 23, 24
Mississippi River Pools 25, 26 (permit required;
water sets only; no trapping during waterfowl
season)

Morrison Rockwood State Park (permit required; only
 body-gripping traps with a jaw spread of 5 inches
 or less, foot-hold traps with a jaw spread of 4 1/2
 inches or less and square body-gripping traps with
 a 10 inch jaw spread may be used for water sets;
 only box or cage-type traps may be used for land
 sets)

Panther Creek Conservation Area

Pyramid State Park (permit required; water sets
 only; ~~beaver, mink and muskrat trapping~~-only)

Randolph County Conservation Area (permit required;
 water sets only)

Rend Lake Wildlife Management Area (no body-gripping
 traps may be used for land sets)

Rice Lake Fish and Wildlife Area (no trapping during
 duck season; permit required; only body-gripping
 traps with a jaw spread of 5 inches or less,
 foot-hold traps with a jaw spread of 4 1/2 inches
 or less and square body-gripping traps with a 10
 inch jaw spread may be used for water sets; only
 box- or cage-type traps may be used for land sets)

Rock Cut State Park (permit required; water sets
 only; only body-gripping traps with a jaw spread of
 5 inches or less, foot-hold traps with a jaw spread
 of 4 1/2 inches or less and square body-gripping
 traps with a 10 inch jaw spread may be used for
 water sets)

Sanganois Fish and Wildlife Area (no trapping in
 designated duck rest areas during the duck season)

Sangchris Lake Fish and Wildlife Area (permit
 required; water sets only; no trapping during duck
 season)

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Savanna Ordnance Depot (trapping area includes the
 islands and associated backwater sloughs immediately
 upstream from Lock and Dam 12; no trapping on
 mainland)

Shabbona Lake State Park (permit required; water
 sets only; only body-gripping traps with a jaw
 spread of 5 inches or less, foot-hold traps with a
 jaw spread of 4 1/2 inches or less and square
 body-gripping traps with a 10 inch jaw spread may
 be used for water sets)

Sparland Fish and Wildlife Area (permit required;
 water sets only; only body-gripping traps with a jaw
 spread of 5 inches or less, foot-hold traps with a
 jaw spread of 4 1/2 inches or less and square
 body-gripping traps with a 10 inch jaw spread may
 be used for water sets; no trapping during duck
 season)

Spring Lake Conservation Area (permit required;
 water sets only; only body-gripping traps with a jaw
 spread of 5 inches or less, foot-hold traps with a
 jaw spread of 4 1/2 inches or less and square
 body-gripping traps with a 10 inch jaw spread may
 be used for water sets; ~~no trapping during duck~~
~~season)~~

Ten Mile Creek State Fish and Wildlife Area (permit
 required; water sets only; areas designated as
Refuge are closed to all access during Canada Goose
Season only; permits must be returned by March 15]

Turkey Bluffs Fish and Wildlife Area (permit
 required; water sets only)

Union County Conservation Area (permit required;
 water sets only; ~~beaver, mink and muskrat trapping~~
~~only)~~

Washington County Conservation Area (permit
 required; water sets only)

c) Trapping is prohibited on all other Department-Owned,
 -leased or -managed sites except by special permit which
 will be issued by the Department when it is determined
 that the harvest of a species would enhance the

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biological balance of the resource.

- 1) All regulations will be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations will be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations will be listed on the application and permit and posted at the site.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 550
- 3) SECTION NUMBERS:
550.10
550.20
550.30
PROPOSED ACTION:
Amendments
Amendments
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer hunting regulations are necessary to maintain and manage healthy populations of furbearers.

The proposed changes include expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price

DEPARTMENT OF CONSERVATION

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Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX,
GRAY FOX, COYOTE AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations
550.20 Statewide Regulations
550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox,
Coyote and Woodchuck (Groundhog) Hunting on
Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 550.10 General Regulations

- a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with #ified slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfilled firearms deer permit.
- b) Shooting preserve areas licensed pursuant to Section 3.27

DEPARTMENT OF CONSERVATION

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of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.27) and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 3.28 and 3.29) are exempt from the provisions of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

1) Zones: The State of Illinois is divided by U. S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

2) Northern Zone hunting dates: November 13 through January 13, except as noted in Section 550.10(a) above.

3) Southern Zone hunting dates: November 25 through January 23, except as noted in Section 550.10(a) above.

4) Hunting hours: November 13 in the Northern Zone and November 25 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours will coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.26).

5) Daily limit and possession limit: None.

b) Red fox and gray fox

1) Hunting dates: November 25 through January 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Opens November 25 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours will coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

3) Daily limit and possession limit: None.

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c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours will coincide with the statewide archery deer hunting hours.

3) Daily limit and possession limit: None.

d) Woodchuck (groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset.

3) Daily limit and possession limit: None.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

a) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report will result in the hunter being ineligible to hunt at that site for the following year.

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- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Amox Leased Lands (.22 rimfire firearms may be used from sunset to sunrise)

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote only; shotgun and archery only; season to coincide with site upland and site archery deer hunting seasons)

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

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Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Peppenhorst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season; coyote season January 1 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (sunset to sunrise only; permitted after the close of permit pheasant hunting season; raccoon and opossum only may be hunted; permit required; .22 rimfire firearms may be used; raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season, permit required; .22 rimfire firearms may be used, hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 rimfire firearms may be used to take coyotes, free permit required)

Kankakee River State Park (raccoon and opossum hunting; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Thursday prior to second firearm deer season, except as noted

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in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park ~~(raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used; permit required; obtain from site office; permit must be returned and harvest reported by February 15)~~ (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only; permit required; obtain from site office. .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during fox season. .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required. obtain from site office. All permits must be returned and harvest reported by February 15)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only, .22 rimfire firearms may be used, hunting hours sunset to sunrise only, permit required, obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season November 25 to December 20)

Little Black Slough State Natural Area (coyote and

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striped skunk season to coincide with statewide fox season)

Lower Cache River State Natural Area (coyote and striped skunk season shall coincide with the statewide fox season)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

Middlefork Fish and Wildlife Area ~~(raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used; permit required; obtain from site office; permit must be returned and harvest reported by February 15)~~ (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office. .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during fox season. .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Panther Creek Conservation Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Pike County Conservation Area (all hunting closes

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November 30 in Area A)

Ramsey Lake State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (~~permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting~~) (~~permit required for night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting~~)

Rend Lake Wildlife Management Area

Rockhouse Creek (Monroe County)

Saline County Conservation Area (hunting north of the township road only; coyote and striped skunk season to coincide with the statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted)

Sangamon County Conservation Area

Sanganois Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas; .22 rimfire firearms may be used from sunset to sunrise)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon; steel shot only)

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Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Stephen A. Forbes State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Ten Mile Creek State Fish and Wildlife Area (permit required; .22 rimfire firearms may be used from sunset to sunrise; parking cards must be displayed in windshield; permits must be returned by February 15; areas designated as Refuge are closed to all access during Canada Goose Season only)

Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; permit required, obtain from site office; permit must be returned and harvest reported by February 15)

Turkey Bluffs Fish and Wildlife Area (~~.22 rimfire firearms may be used from sunset to sunrise; permit required; coyote and striped skunk season shall coincide with the statewide fox season; no woodchuck hunting~~) (~~permit required for night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting~~)

Walnut Point Fish and Wildlife Area (raccoon hunting only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site superintendent by December 31; hunting allowed November 25 to sunrise on the Thursday prior to the second firearm deer season)

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Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Weinburg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) HEADING OF THE PART: Scientific Permits2) CODE CITATION: 17 Ill. Adm. Code 5203) SECTION NUMBERS: PROPOSED ACTION:

520.30

Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.5, 3.11, 5.18, and 5.19 of the Fish Code (Ill. Rev. Stat. 1985, ch. 56, pars. 1.3, 1.5, 3.11, 5.18, and 5.19) and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1985, ch. 61, pars. 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part clarify the process for issuance of scientific collector's permits to permanent employees of state and federal conservation agencies, universities or other scientific agencies.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE?
No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

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THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 520
SCIENTIFIC PERMITS

Section	Purpose
520.10	Requirements and Application
520.20	General Provisions
520.30	Renewal
520.40	Revocation and Suspension of Permits - Hearings and Appeals
520.50	

AUTHORITY: Implementing and authorized by Sections 1.3, 1.5, 3.11, 5.18, and 5.19 of the Fish Code (Ill. Rev. Stat. 1985, ch. 56, pars. 1.3, 1.5, 3.11, 5.18, and 5.19) and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1985, ch. 61, pars. 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36).

SOURCE: Adopted and codified at 7 Ill. Reg. 1236, effective January 26, 1983; amended at 12 Ill. Reg. 1815, effective December 31, 1987; amended at 14 Ill. Reg. _____, effective _____.

Section 520.30 General Provisions

- a) ~~Scientific permits will be issued on an annual basis and expire December 31 of each year. Scientific permits are not transferrable. Permanent employees of state or federal conservation agencies, universities or other scientific institutions shall be issued a scientific permit valid for the term of their employment, as long as that person continues to submit, by January 31 of each year, an annual report of the past year's activities. Scientific permits for persons not employed by an above referenced organization will be issued on an annual basis and will expire on December 31.~~
- b) The scientific permit is valid for only the approved type of research and/or salvage stated on the permit. Under no circumstances shall a scientific permit be used in lieu of sport or commercial licenses.
- c) Permittee's method of taking fauna must be approved by

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the Department. Approved methods include but are not limited to, seines, electro-fishing, nets, hand, snap traps, live traps and foot-hold traps. All devices used for taking, which are left unattended, must have the permittee's name, address and scientific permit number visible on them.

- d) Taking and/or salvage of fauna shall be performed by or under the direct supervision of the permittee. Permittee must be present with person involved in actual taking of fauna.
- e) Taking and/or salvage of fauna is only allowed in areas designated on the permit.
- f) Taking and/or salvage of fauna on private properties requires oral or written landowner's permission. This permit does not allow the privilege of trespass.
- g) Taking and/or salvage of fauna on state owned or managed lands is not permitted without the prior approval of the Site Superintendent.
- h) The scientific permit must be carried on the person at all times when taking specimens and be presented, upon request, to Department personnel.
- i) Fauna taken and/or salvaged and rehabilitated must be released to the wild or permanently donated to a public or state scientific educational or zoological institution.
- j) Permittee is responsible for the taking activities and report of the individual issued the permit. Permittee must maintain a record of all specimens taken and shall present such record upon request to Department personnel.
- k) Permittee by January 31 of the next year shall submit an annual report to the Department of the past year's activities on forms provided by the Department, and mailed to address referred to in (Section 520.20 (c)). The permittee shall also provide the Department (2) two copies of all written reports resulting from the permitted activities. Permits will be renewed only after copies of the annual report and all written reports have been received by the Department.
- l) A scientific permit does not release the permittee from

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other provisions of the Ill. Adm. Code nor from Federal or State Statutes and does not supersede Federal permits.

- m) Any person using rotenone or other toxic materials for taking of fauna must notify the Department prior to using such materials, and may need a variance from the Illinois Environmental Protection Agency.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Squirrel Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 690

- 3) SECTION NUMBERS: 690.30
PROPOSED ACTION: Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to squirrel hunting regulations are necessary to maintain and manage healthy populations of squirrels.

The proposed changes include expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Zones
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

* AMAX Leased Lands
Anderson Lake Conservation Area

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Big Bend Conservation Area

Big River State Forest

* Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

* Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)

* Crawford County Conservation Area

* Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)

* Fort De Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)

Fort Massac State Park (east of Massac Creek only)

Green River State Wildlife Area (September 6-30, no hunting during field trials)

* Horseshoe Lake Public Hunting Area - Alexander County (north of Route 3 only)

I-24 Wildlife Management Area

* Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)

Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

* Kinkaid Lake Fish and Wildlife Area

* Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no pistols)

* Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw State Fish and Wildlife Area (September 1 - October 31)

* Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)

Marshall State Fish and Wildlife Area

* Mermet Lake Conservation Area (from opening day until the first day of the duck season)

Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)

* Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

* Panther Creek Conservation Area

* Pike County Conservation Area

Ramsey Lake State Park

Randolph County Conservation Area

Red Hills State Park

* Rend Lake Wildlife Management Area

* Rockhouse Creek (Monroe County)

* Saline County Conservation Area (North of the township road)

Sam Dale Lake Conservation Area

Sam Parr Fish and Wildlife Area

* Sand Ridge State Forest (from opening day until the first day of the upland hunting season)

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- * Sangamon County Conservation Area
 - * Sanganois Conservation Area
 - * Shawnee National Forest, LaRue Scatters (closes at noon)
 - * Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon, steel shot only)
- Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news release; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)
- Stephen A. Forbes State Park
 - Tapley Woods State Natural Area
 - * Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permit must be returned by February 15)
 - * Trail of Tears State Forest
 - * Turkey Bluffs State Fish and Wildlife Area
 - Washington County Conservation Area
 - Weinberg-King State Park
 - * Wildcat Hollow State Forest
 - Woodford County Conservation Area

d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

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- Ferne Clyffe State Park
 - ~~Ft. Massae State Park (east of Massae Creek only)~~
 - Giant City State Park
 - Hamilton County Conservation Area
 - Pere Marquette State Park
 - Pyramid State Park
 - Saline County Conservation Area (south of Township Road)
 - Siloam Springs State Park
- e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):
- Argyle Lake State Park; October 15 to the end of the statewide season
 - Castle Rock State Park; September 1 - October 15
 - * Horseshoe Lake Public Hunting Area, Alexander County, south of Rt. 3 only; August 1 - September 30
 - Iroquois County Conservation Area; September 1 - 30
 - Johnson Sauk Trail State Park; September 15 - 30
 - Jubilee College State Park; September 1-30 (Sunrise - 4:00 p.m.)
 - Kankakee River State Park; September 1-30
 - Moraine View State Park; September 1 - day before opening of site's permit pheasant season (Sunrise - 4:00 p.m.)
 - Silver Springs State Park; September 1 - 30 in Area C; September 1 - October 31 in Area B; harvest must be reported before leaving the site; daily quota filled on first-come, first-serve basis

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Spring Lake Conservation Area; September 10 - 30
(Sunrise - 4:00 p.m.)

1) HEADING OF THE PART: Woodcock, Snipe, Rail and Teal Hunting

* Union County Public Hunting Area (August 1 - September 30; Firing Line Management Unit; August 1 - November 1)

2) CODE CITATION: 17 Ill. Adm. Code 740

* Union County Public Shooting Area (Firing Line Management Unit only); August 1 - November 1

3) SECTION NUMBERS:
740.10
740.20

PROPOSED ACTION:
Amendments
Amendments

Walnut Point Fish and Wildlife Area; October 1-15
Monday - Friday only; daily from October 16 to end
of Statewide Season

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code of Illinois (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to woodcock, snipe, rail and teal hunting regulations are necessary to maintain and manage healthy populations of such migratory species.

The proposed changes include expanding/modifying/decreasing hunting programs on state-owned or managed sites, updating non-toxic shot zones as agreed upon by the State and U.S. Fish and Wildlife Service and updating season dates.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

* Fox Ridge State Park (no handguns)

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

* Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

* Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

(Source: Amended at 14 Ill. Reg. _____, effective _____)

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation

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- c) The regulations in Section 2.33 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.33) on illegal devices shall apply to this Part, unless federal regulations are more restrictive.

d) Woodcock

- 1) Hunting dates: October 1 - December 4
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 5
- 4) Possession limit: 10 after the 1st hunting day

e) Snipe (Common)

- 1) Hunting dates: September 21 - December 16
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 8
- 4) Possession limit: 16 after the 1st hunting day

f) Rail (Sora and Virginia)

- 1) Hunting dates: September 21 - November 10
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 25
- 4) Possession limit: 25

g) Teal

- 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 25, 1987; 50 CFR 20.104, effective August 25, 1987; 50 CFR 20.105, effective August 25, 1987; 50 CFR 20.106, effective August 25, 1987; and 50 CFR 20.109, effective August 25, 1987), unless the regulations in this Part are more restrictive.
- 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be

provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 25, 1987) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.

- 3) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.

- 4) Shooting hours are 7:00 a.m. - 4:00 p.m.

- 5) Baiting with corn, grain or other feed is prohibited.

h) Steel Shot Regulations

Only steel shot may be used for hunting teal, snipe and rail in the following non-toxic shot zones:

- 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:

A) All of Alexander, Calhoun, Carroll, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Mercer, Monroe, Pike, Randolph, Rock Island, St. Clair, and Union and Whiteside Counties.

B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.

C) Hancock County: (Dallas City), IL-9/967 IL-96/US-136, and IL-96.

D) Henry County: I-80 and I-74/280.

E) Jo Daviess County: IL-35 (East Dubuque) US-20, IL-84/US-20, and IL-84.

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F) ~~Mercer County: Railroad Bridge (Keithsburg),
County Hwy-16, and County Hwy-25.~~

G) ~~Whiteside County: IL-84 (north), IL-136/Fulton
Road, County Hwy-21/Frog Pond Road, Garden
Plain Road, County Hwy-21/Sand Road, and IL-5.~~

2) Illinois River and adjacent areas in the following
counties bordered by the roads and/or lines
indicated below:

A) All of Bureau, Calhoun, Cass, Fulton, Greene,
Grundy, Jersey, Marshall, Mason, Peoria, Pike,
Putnam, Tazewell and Woodford Counties.

B) Brown County: County Hwy-3/Federal Aid
Secondary Route (FAS) 582, FAS-582, County
Hwy-12, and IL-99.

C) ~~Bureau County: IL-89 (Spring Valley), IL-6/89,
IL-29, and IL-26/29, and IL-29.~~

D) ~~Greene County: Kampsville Ferry Route, IL-109,
and Federal Aid Primary Route (FAP) 155
(south).~~

F)C) Morgan County: IL-104 (Meredosia) and
IL-100/US-67.

F)D) Schuyler County: IL-100 (Bluff City) IL-103,
and County Hwy-9.

G) ~~Tazewell County: IL-26, IL-116, IL-116/US-150,
IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and
County Hwy-16.~~

3) Southern Goose Quota Zone

All of Alexander, Jackson, Union and Williamson
Counties.

4) Rend Lake Goose Quota Zone

All of Jefferson and Franklin Counties.

5) Other Areas

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All of Bond, Christian, Clinton, Coles, Cook,
DuPage, Fayette, Kane, Kendall, Lake and McHenry,
Moultrie, Perry, Will and Winnebago Counties.

(Source: Amended at 14 Ill. Reg. _____, effective
_____)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

a) All the rules in 17 Ill. Adm. Code 510 apply in this
Section, unless this Section is more restrictive.

b) Woodcock, snipe and rail hunting; statewide regulations
as provided for in this Part shall apply at the following
areas (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area (closed 7 days
before waterfowl season)

Big Bend Conservation Area

Big River State Forest

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers
managed lands

Carlyle Lake Wildlife Management Area (closes 3 days
before waterfowl season in subimpoundment area)

Clinton Lake State Recreation Area

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and
west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle
loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area (Alexander County) - north of Route 3

I-24 Wildlife Management Area

Iroquois County Conservation Area (closes the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend -- Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes on day before permit pheasant season; 8:00 a.m. to 4:00 p.m.)

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park

Red Hills (8:00 a.m. - 4:00 p.m.)

Rend Lake Wildlife Management Area

Rice Lake (steel shot only; during teal season only, hours are sunrise until noon; no woodcock hunting)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled quail

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and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closes at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of Big Muddy Levee, closes at noon)

Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)

Stephen Forbes State Park

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

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Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed and blind-claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Carlyle Lake Wildlife Management Area

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch only)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Kaskaskia River Fish and Wildlife Area

Lake Shelbyville Fish and Wildlife Area

Lake Sinissippi Conservation Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Rend Lake Wildlife Management Area (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest, Bluff Lakes

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15)

Union County Public Hunting Area

Woodford County Conservation Area

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- 1) Heading of Part: Raffles Conducted by Political Committees
- 2) Code Citation: 26 Ill.Adm.Code 210
- 3) Sections Numbers: Proposed Action:
210.10 New Section
APPENDIX A New Section
APPENDIX B New Section
- 4) Statutory Authority: Implementing and authorized by An Act to provide for licensing and regulating certain games of chance and amending certain Acts herein named, "approved August 5, 1980, as amended, (Ill.Rev.Stat., 1987, ch. 85 par. 2308.1
- 5) A Complete Description of the Subjects and Issues Involved:
Defines "political committee" eligible to conduct a raffle or game of chance to raise funds to support candidates or issues. Requires a license for such purpose from the State Board of Elections before such a raffle or games of chance may be conducted; requires compliance with authorizing statutes; requires the applicant political committee's current chairman or treasurer to sign the application for a license; defines "good moral character" as applied to officers of, employees of, or persons association with applicant political committees; authorizes the State Board of Elections to issue a license to conduct a raffle or game of chance if the information on the application is complete; provides a mechanism for revocation of a license once issued; establishes time, place for filing reports of receipts and expenditures of raffles and games of chance; authorizes application and reporting forms.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does the rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes, Section 201.10(g) incorporated by reference Article 29 of the Illinois Election Code, except for Section 29-14, or of Section 103 of the Illinois Election Code; 210.10(i) incorporated by reference the provisions of 26 Illinois Administrative Code, Section 125, Subpart C.

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9) Are there any other proposed amendment pending on this Part?
No

10) Statement of Statewide Policy Objectives:
Implement statutory mandate expressed in enabling legislation.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the

State Board of Elections
A. L. Zimmer, General Counsel
State of Illinois Center
100 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 814-6440

or at a Public Hearing to be held on April 9, 1990 at the State Board of Elections permanent branch office in the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois and on May 21, 1990 at the Board's principal office in Springfield located at 1020 South Spring Street, Springfield, Illinois. Please contact the Board's office for verification of hearing time, room and date.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1990

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance:

Bookkeeping skills currently required of treasurers of political committees governed by Article 9 of the Illinois Election Code (Ill.Rev.Stat., 1987, Ch. 46, Art.9).

D) Types of professional skills necessary for compliance:
None, except (C) above.

The full text of the Proposed Amendments begins on the next page:

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TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

Part 210

RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section

210.10

Licensing of Raffles Conducted by Political Committees
APPENDIX A Application Form
APPENDIX B Form DRI

AUTHORITY: Implementing and authorized by "An Act to provide for licensing and regulating certain games of chance and amending certain Acts herein named," approved August 5, 1980, as amended, (Ill.Rev.Stat., 1987, ch. 85 par. 2308.1)

SOURCE: Adopted at 14 Ill.Reg. _____, effective _____

Section 210.10 Licensing of Raffles Conducted by Political Committees

(a) No raffle or other game of chance defined in and authorized by Section 8.1 of "An Act to provide for licensing and regulating certain games of chance and amending certain Acts herein named" approved August 5, 1980, as amended ("raffle") shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (hereafter "the Board").

(b) "Political Committee" as used in this Part shall mean a political committee as defined by Section 9-1.9 of the Illinois Election Code.

(c) No political committee, group, association, or other entity may receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.9 of the Illinois Election Code, and unless it meets all requirements of Section 8.1 of "An Act to provide for licensing and regulating certain games of chance and amending certain Acts herein named", approved August 5, 1980, as amended ("the Act").

(d) Application for a license to conduct a raffle must be made on forms provided by the Board and must supply, over the

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oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A hereto and is made a part hereof.

(e) Only the chairman or treasurer of a political committee whose names are listed on the committee's D-1 statement at the time the application is filed may sign the application for a license to conduct a raffle.

(f) A political committee shall be deemed to have been in existence for one year and to have had a bonafide membership engaged in carrying out its objects if, on the day the application is received at the office of the Board in Springfield, Illinois, one year has elapsed between the date the committee was established, as shown on its current D-1 forms, and the date the application is received.

(g) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Illinois Election Code, except for Section 29-14, or of Section 103 of the Election Code; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one (1) year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.

(h) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.

(i) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board will hear such a complaint under the provisions of 26 Ill. Administrative Code, Section 125, Subpart C. The complainant must prove its case before the Board. Nothing in this part prohibits the Board from filing a complaint, but unless it does so, the Board will not act as an advocate for the Complainant. Failure of a

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committee to abide by the Act and its license voids the license whether or not a complaint is filed.

- (j) All reports of receipts and/or expenditures for raffles conducted under this Section and the Act shall be filed on report forms devised by the State Board of Elections for the purpose, and must be submitted to the State Board of Elections at either office of the Board within 30 days after the raffles, provided that if the proceeds of the raffle support or oppose a candidate or public question to be voted on at an election, the report due must be made in any event not later than 48 hours prior to such election. The form of required reports is set out in Appendix B hereto.

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Section 210.10 APPENDIX A Application Form

FORM OR LICENSE APPLICATION TO CONDUCT A RAFFLE



Please type or print in black ink.

1. Name and address of political committee.

2. Type of committee: (Check one)
If Local, activity in which county(ies) _____
If State & Local, activity in which county(ies) _____
3. Name and address of officers.
A. Chairman _____
B. Treasurer _____
4. Name and address of individual(s) responsible for the conduct of the raffle.

5. Location(s) which raffle chances will be sold or issued.

6. First and last dates for sale of raffle chances.

7. (a) Location(s) at which winning chance(s) will be determined.
_____ (b) Ownership of premises.

8. Date(s) of determination of winning chance(s).
Date: _____
9. Briefly describe the raffle(s).

Report of receipts or expenditures for any raffle conducted shall be filed on report form within 30 days after the raffle, provided that if the proceeds of the raffle support or oppose a candidate or public question to be voted on at an election, the report due must be made not later than 48 hours prior to that election.

The undersigned hereby swear and affirm that _____ is organized as a political committee in Illinois as required by Chapter 46, Article 9, Illinois Revised Statutes. An Act to Regulate Campaign Financing, and is eligible to receive a raffle license as prescribed by law and further, that the above stated facts are true. We acknowledge the receipt of copies of P.A. 86-304 and of Illinois Admin. Code, Sec. 210.10 and agree to comply with all provisions included therein. We understand that failure to abide by the Act shall void any license granted to this committee.

FOR OFFICE USE ONLY

Chairman (Signature) _____ Approval _____ (Date) _____

Treasurer (Signature) _____

Subscribed and sworn to before me this _____ day of _____, 19____ (Signature) _____

(Notary Public) _____

POLLUTION CONTROL BOARD

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1) Heading of the Part: HAZARDOUS WASTE INJECTION RESTRICTIONS2) Code Citation: 35 Ill. Adm. Code 7383) Section Numbers: Proposed Action:

738.110 Amendment
738.111 Amendment
738.114 Amendment
738.115 New Section
738.116 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-11, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1, 1989 through November 30, 1989. In brief, the amendments to Part 738 institute additional restrictions on underground injection of hazardous wastes: they complete the listing of First Third Wastes, list new Second Third Wastes, and list the initial Third Third Wastes. The amendments also revise the format adopted in R89-2 for listing the restricted wastes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No.9) Are there any other amendments pending on this part? No.10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 13(c) of the Environmental Protection Act and required by the federal Safe Drinking Water Act (42 USC § 300f et seq.) and the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.). The statewide policy objectives are set

POLLUTION CONTROL BOARD

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forth in Section 11 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in underground injection of wastes.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 29, 1990.B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which engage in underground injection of hazardous wastes.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The overall effect of this amendment is to include new wastes in the listings of those prohibited from underground injection.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

721.131 as by the following EPA Hazardous Waste numbers #001-
#002, #003, #004 and #005 are prohibited from underground
injection unless the solvent waste is a solvent-water
mixture or solvent-containing sludge containing less than 1
percent total of the following-F001 through F005 solvent
constituents listed in subsection (a)(2):

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND
STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section
738.101
738.102
738.103
738.104
738.105

Purpose Scope and Applicability
Definitions
Dilution Prohibited as a Substitute for Treatment
Case-by-Case Extensions of an Effective Date
Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section
738.110
738.111
738.112
738.114
738.115
738.116

Waste Specific Prohibitions - Solvent Wastes
Waste Specific Prohibitions - Dioxin-containing Wastes
Waste Specific Prohibitions - California List Wastes
Waste Specific Prohibitions - First Third Wastes
Waste Specific Prohibitions - Second Third Wastes
Waste Specific Prohibitions - Third Third Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section
738.120
738.121
738.122
738.123
738.124

Petitions to Allow Injection of a Prohibited Waste
Required Information to Support Petitions
Submission, Review and Approval or Denial of Petitions
Review of Adjusted Standards
Termination of Adjusted Standards
AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of
the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111
1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R89-2 at 14 Ill. Reg. , effective
amended in R89-11 at 14 Ill. Reg. , effective) .

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste Specific Prohibitions - Solvent Wastes

a) 35 Ill. Adm Code 721.131 spent solvents:

1) The spent solvent wastes specified in 35 Ill. Adm. Code

F001
F002
F003
F004
F005

2) F001 through F005 solvent constituents:

Acetone
n-Butyl alcohol
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Cresols and cresylic acid
Cyclohexanone
1,2-Dichlorobenzene
Ethyl acetate
Ethyl benzene
Ethyl ether
Isobutanol
Methanol
Methylene chloride
Methylene chloride (from the pharmaceutical industry)
Methyl ethyl ketone
Methyl isobutyl ketone
Nitrobenzene
Pyridine
Tetrachloroethylene
Toluene
1,1,1-Trichloroethane
1,1,2-Trichloro-1,2,2-trifluoroethane
Trichloroethylene
Trichlorofluoromethane
Xylene

b) Effective August 8, 1990, all spent F001 through F005 solvent
wastes containing less than 1 percent total F001 through F005
solvent constituents listed in subsection (a)(2) are prohibited
from injection.

c) The requirements of subsections (a) or (b) do not apply:

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- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.144 Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.144 Subpart D; or
- 4) ~~During the period the waste has been granted an adjusted treatment standard under 35 Ill. Adm. Code 728.144.~~

BOARD NOTE: Derived from 40 CFR 148.10 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988, amended at 54 Fed. Reg. 25422, June 14, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

Section 738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 ~~by the following EPA Hazardous Waste numbers F020, F021, F022, F023, F026, F027 and F028~~ are prohibited from underground injection:

F020
F021
F022
F023
F026
F027
F028

- b) The requirements of subsection (a) do not apply:

- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.144 Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.104; or
- 4) ~~During the period the waste has been granted an adjusted~~

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~~treatment standard under 35 Ill. Adm. Code 728.144.~~

BOARD NOTE: Derived from 40 CFR 148.11 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988, amended at 54 Fed. Reg. 25422, June 14, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

Section 738.114 Waste Specific Prohibitions - First Third Wastes

- a) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

F006 (nonwastewaters)

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K001
K015 (wastewaters)
K016 (at concentrations greater than or equal to one percent)
K018
K019
K020
K021 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)
K022 (nonwastewaters)
K024
K030
K036 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)
K037
K044
K045
nonexplosive K046 (nonwastewaters)
K047
K048
K060 (nonwastewaters generated by the process described in the waste listing description and

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disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

K061 (nonwastewaters)
noncalcium sulfate K069 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)
K086 solvent washes
K087
K099

K101 (all wastewaters and less than one percent total arsenic nonwastewaters)
K102 (all wastewaters and less than one percent total arsenic nonwastewaters)
K103

b) 1) The waste specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K036 (wastewaters)

2) The waste specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P030
P039
P041
P063
P071
P089
P094
P097
U221
U223

c) The wastes specified in 35 Ill. Adm. Code 271.131 ~~and~~ by the following EPA Hazardous Waste numbers ~~P008 and P009~~ are prohibited from underground injection:

~~P008~~
~~P009~~

d) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 ~~and~~ by the following EPA Hazardous Waste numbers ~~K047~~

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K050, K051, K052, K062, K071 and K104 are prohibited from underground injection:

K049
K050
K051
K052
K062
K071
K104

e) Effective June 7, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K016 (at concentrations greater than one percent)

f) 1) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste number are prohibited from underground injection:

~~F007~~

2) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K011 (nonwastewaters)
K013 (nonwastewaters)

bg) The requirements of subsection (a) through (f) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728 Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 (1988), as added at 53 Fed. Reg. 30918, August 16, 1988, amended at 54 Fed. Reg. 25423, June 14, 1989, amended at 54 Fed. Reg. 28647, June 23, 1989, amended at 54 Fed. Reg. 35328, August 25, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

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Section 738.115 Waste Specific Prohibitions - Second Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K025 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes)

- b) 1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

F010
F024

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K009 (nonwastewaters)
K010
K027
K028
K029 (nonwastewaters)
K038
K039
K040
K043
K095 (nonwastewaters)
K096 (nonwastewaters)
K113
K114
K115
K116

- 3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P029
P040
P043
P044
P062
P074

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P085
P098
P104
P106
P111
U028
U058
U107
U235

- c) The wastes specified in 35 Ill. Adm. Code 721.131 by the following EPA Hazardous Waste numbers are prohibited from underground injection pursuant to the treatment standards specified in 35 Ill. Adm. Code 728.141 and 728.143 applicable to F011 and F012 wastewaters and nonwastewaters:

F011 (nonwastewaters)
F012 (nonwastewaters)

- d) Effective June 8, 1991, the wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

K009 (wastewaters)

- e) The requirements of subsections (a) through (d) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728. Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.15, as added at 54 Fed. Reg. 25423, June 14, 1989, amended at 54 Fed. Reg. 26647, June 23, 1989.

(Source: Added at 14 Ill. Reg. , effective)

Section 738.116 Waste Specific Prohibitions - Third Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste number are prohibited from underground injection:

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K100 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not those generated in the course of treating wastewater forms of these wastes).

- b) 1) The wastes specified in 35 Ill. Adm. Code 721.132 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

K005 (nonwastewaters)
K007 (nonwastewaters)
K023
K093
K094

- 2) The wastes specified in 35 Ill. Adm. Code 721.133 by the following EPA Hazardous Waste numbers are prohibited from underground injection:

P013
P021
P099
P109
P121
U069
U087
U088
U102
U190

- c) The requirements of subsections (a) and (b) do not apply:
- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.16, as added at 54 Fed. Reg. 25423, June 14, 1989, amended at 54 Fed. Reg. 26647, June 23, 1989.

(Source: Added at 14 Ill. Reg. , effective)

- 1) The Heading of the Part: Information To Be Submitted In A Permit Application

- 2) Code Citation: 35 Ill. Adm. Code 812

Section Number:	Proposed Action:
812.101	New Section
812.102	New Section
812.103	New Section
812.104	New Section
812.105	New Section
812.106	New Section
812.107	New Section
812.108	New Section
812.109	New Section
812.110	New Section
812.111	New Section
812.112	New Section
812.113	New Section
812.114	New Section
812.115	New Section
812.116	New Section
812.201	New Section
812.202	New Section
812.203	New Section
812.204	New Section
812.301	New Section
812.302	New Section
812.303	New Section
812.304	New Section
812.305	New Section
812.306	New Section
812.307	New Section
812.308	New Section
812.309	New Section
812.310	New Section
812.311	New Section
812.312	New Section
812.313	New Section
812.314	New Section
812.315	New Section
812.316	New Section
812.317	New Section
812.318	New Section

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- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1.

- 5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, proposed Part 812 specifies the general information to be submitted to the Illinois Environmental Protection Agency in any application for landfill permits required by Section 21(d) of the Environmental Protection Act (Act).

- 6) Will this proposed rule replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

March 5, 1990

- B) Types of small businesses affected:

The proposed rules may affect landfills which will be regulated by proposed Parts 810-815 and which are required to have a permit pursuant to Section 21(d) of the Act.

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C) Reporting, bookkeeping or other procedures required for compliance:

Part 812 specifies the information required in a permit application in order to demonstrate compliance with Part 811.

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of any special wastes received at the site, preparation of a plan for closure and postclosure care and receipt of a financial assurance instrument to guarantee compliance with such plan.

D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, registered professional engineer, a professional land surveyor, a hydrologist, and a certified public accountant.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 812

INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

- | | |
|---------|---|
| Section | |
| 812.101 | Scope and Applicability |
| 812.102 | Certification by Professional Engineer |
| 812.103 | Application Fees |
| 812.104 | Required Signatures |
| 812.105 | Approval by Unit of Local Government |
| 812.106 | Site Location Map |
| 812.107 | Site Plan Map |
| 812.108 | Narrative Description of the Facility |
| 812.109 | Location Standards |
| 812.110 | Surface Water Control |
| 812.111 | Daily Cover |
| 812.112 | Legal Description |
| 812.113 | Proof of Property Ownership and Certification |
| 812.114 | Closure Plans |
| 812.115 | Postclosure Care Plans |
| 812.116 | Closure and Postclosure Cost Estimates |

SUBPART B: ADDITIONAL INFORMATION REQUIRED FOR INERT WASTE LANDFILLS

- | | |
|---------|---------------------------|
| Section | |
| 812.201 | Scope and Applicability |
| 812.202 | Waste Stream Test Results |
| 812.203 | Final Cover |
| 812.204 | Closure Requirements |

SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

- | | |
|---------|--|
| Section | |
| 812.301 | Scope and Applicability |
| 812.302 | Waste Analysis |
| 812.303 | Site Location Requirements |
| 812.304 | Waste Shredding |
| 812.305 | Foundation Analysis and Design |
| 812.306 | Design of the Liner System |
| 812.307 | Leachate Drainage and Collection Systems |
| 812.308 | Leachate Management System |
| 812.309 | Landfill Gas Monitoring Systems |
| 812.310 | Gas Collection Systems |

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- 812.311 Landfill Gas Disposal
 812.312 Intermediate Cover
 812.313 Design of the Final Cover System
 812.314 Description of the Hydrogeology
 812.315 Plugging and Sealing of Drill Holes
 812.316 Results of the Groundwater Impact Assessment
 812.317 Groundwater Monitoring Program
 812.318 Operating Plans

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL INFORMATION REQUIRED FOR ALL LANDFILLS

Section 812.101 Scope and Applicability

- a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act), shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act.
- b) Subpart A contains general standards applicable to all landfills. Subpart B contains additional standards applicable to landfills which accept only inert waste. Subpart C contains additional standards applicable to landfills which accept chemical and putrescible waste.
- c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 812.102 Certification by Professional Engineer

All designs shall be prepared by, or under the supervision of, a professional engineer. The professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and design, and a professional seal to all designs.

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Section 812.103 Application Fees

The permit application must be accompanied by all filing fees required pursuant to Section 5(f) of the Act.

Section 812.104 Required Signatures

- a) All permit applications shall contain the name, address, and telephone number of a duly authorized agent of the operator and the property owner to whom all inquiries and correspondence shall be addressed.
- b) All permit applications shall be signed by a duly authorized agent of the operator and the property owner, shall be accompanied by an oath or affidavit attesting to the agent's authority to sign the application and shall be notarized. The following persons are considered duly authorized agents of the operator and the property owner:
 - 1) For Corporations, a principal executive officer of at least the level of vice president
 - 2) For a sole proprietorship or partnership, a proprietor or general partner, respectively;
 - 3) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official.

Section 812.105 Approval by Unit of Local Government

The applicant shall state whether the facility is a new regional pollution control facility, as defined in Section 3.32 of the Act, which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local government is required, the application shall identify the unit of local government with jurisdiction. The application shall contain any approval issued by that unit of local government. If no approval has been granted, the application shall describe the status of the approval request.

Section 812.106 Site Location Map

All permit applications shall contain a site location map on the most recent United States Geological Survey (USGS) quadrangle of

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the area from the 7½ minute series (topographic), or on such other map whose scale clearly shows the following information:

- a) The permit area and all adjacent property, extending at least 1000 meters (3300 feet) beyond the boundary of the facility;
- b) All surface waters;
- c) The prevailing wind direction;
- d) All rivers designated for protection under the Wild and Scenic Rivers Act (16 USC 1271 et seq.);
- e) The limits of all 100-year floodplains;
- f) All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1987, ch. 105, par. 701 et seq.);
- g) All historic and archaeological sites designated by the National Historic Preservation Act (16 USC 470 et seq.) and the Illinois Historic Areas Preservation Act (Ill. Rev. Stat. 1987 ch. 127, par. 133d1 et seq.);
- h) All areas identified as critical habitat pursuant to the Endangered Species Act (16 USC 1531 et seq.) and the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.); and
- i) All main service corridors, transportation routes, and access roads to the facility.

Section 812.107 Site Plan Map

The application shall contain maps, including cross sectional maps of the site boundaries, showing the location of the facility on a scale no smaller than one inch equals 200 feet containing a two-foot contour interval. The following information shall be shown:

- a) The entire permit area;
- b) The boundaries, both above and below ground level, of the facility and all units included in the facility;
- c) Location of borrow areas;

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- d) Boundaries of all areas to be disturbed;
- e) The proposed phasing of the facility, including a delineation of the approximate area to be disturbed each year and areas expected to be closed each year in compliance with 35 Ill. Adm. Code 811.107(a);
- f) All roads in and around the facility;
- g) Devices for controlling access to the facility;
- h) Devices for controlling litter;
- i) Fire protection facilities; and
- j) Utilities.

Section 812.108 Narrative Description of the Facility

The permit application shall contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of 35 Ill. Adm. Code 811 and any other applicable parts of 35 Ill. Adm. Code: Chapter I. Such descriptions shall include, but not be limited to the following information:

- a) The type of waste disposal units and the types of wastes expected in each unit;
- b) An estimate of the maximum capacity of each unit and the rate at which waste is to be placed;
- c) The manner in which waste will be placed and compacted to comply with 35 Ill. Adm. Code 811.105;
- d) The estimated unit weight of the waste;
- e) The length of time each unit will receive waste;
- f) The design period to be used for each unit;
- g) Size of the open face area, including all information showing that slopes steeper than two to one will be stable and in compliance with 35 Ill. Adm. Code 811.107(b);

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- h) A description of how units will be developed to allow contemporaneous closure and stabilization pursuant to 35 Ill. Adm. Code 811.110, 811.111, 811.204, 811.205 or 811.322;
- i) A description of all equipment to be used at the facility for complying with 35 Ill. Adm. Code 807.304;
- j) A litter control plan for complying with 35 Ill. Adm. Code 811.107(k);
- k) A salvaging plan including a description of all salvage facilities and a plan for complying with 35 Ill. Adm. Code 811.108;
- l) A description of all utilities for operation in compliance with 35 Ill. Adm. Code 811.107(d);
- m) A boundary control plan describing how the operator will comply the requirements of 35 Ill. Adm. Code 811.109;
- n) A maintenance plan describing how the operator will comply with 35 Ill. Adm. Code 811.107(c) and (e);
- o) An air quality plan describing the methods to be used to comply with the open burning requirements of 35 Ill. Adm. Code 811.107(f) and for controlling dust in compliance with 35 Ill. Adm. Code 811.107(g);
- p) A noise control plan describing how the operator will control noise in compliance with 35 Ill. Adm. Code 811.107(h);
- q) An odor control plan;
- r) A vector control plan to comply with 35 Ill. Adm. Code 811.107(i);
- s) A firefighting and fire safety plan; and
- t) A transportation plan that includes all existing and planned roads in the facility that will be used during the operation of the landfill facility; the size and type of such roads and the frequency with which they will be used.

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Section 812.109 Location Standards
The permit application shall contain:

- a) Documentation that the facility will operate in compliance with 35 Ill. Adm. Code 811.102(a).
- b) A floodplain determination containing:
- 1) Documentation that the facility is not located within the floodplain of the 100-year flood event; or
 - 2) Documentation that the facility meets the requirements of 35 Ill. Adm. Code 811.102(b).
- c) Documentation from the State Historic Preservation Officer that the facility will be in compliance with 35 Ill. Adm. Code 811.102(c).
- d) Documentation from the Illinois Nature Preserves Commission that the facility will be in compliance with 811.102(c) as it relates to Dedicated Illinois Nature Preserves.
- e) Documentation that the facility will be in compliance with 35 Ill. Adm. Code 811.102(d).
- f) Documentation that a facility located within a wetland is in compliance with Section 404 of the Clean Water Act (35 USC 1344).
- g) Documentation that the facility is in compliance with 35 Ill. Adm. Code 811.102(f).

Section 812.110 Surface Water Control

The permit application shall contain a plan for controlling surface water which demonstrates compliance with 35 Ill. Adm. Code 811.103, and which shall include at least the following:

- a) A copy of the approved National Pollutant Discharge Elimination System (NPDES) permit or, if a permit is pending, a copy of the NPDES permit application to discharge runoff from all disturbed areas;

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- b) A map showing the location of all structures affected by the surface water runoff from disturbed areas on the facility;
- c) Detailed designs of all structures to be constructed during development of the facility and during the first five year operating period; and
- d) Estimated construction dates of all structures to be constructed beyond the first five year operating period.

Section 812.111 Daily Cover

The application shall contain a description of the material to be used as daily cover:

- a) A description of the soil to be used, including its classification and approximate hydraulic conductivity; or
- b) Documentation that any proposed alternative materials or procedures to substitute for daily cover meet the minimum requirements of 35 Ill. Adm. Code 811.106(b).

Section 812.112 Legal Description

The permit application shall contain a legal description of the facility boundary and the boundaries of all units included in the facility. This legal description shall identify the nature and location of all stakes and monuments required by Section 811.104 and shall be prepared by or under the supervision of a professional surveyor, who shall affix a professional seal to the work.

Section 812.113 Proof of Property Ownership and Certification

The permit application shall contain a certificate of ownership of the permit area or a copy of the lease. The lease shall clearly specify that the owner authorizes the construction of a waste disposal facility on the leased premises, and the duration of the lease will be at least as long as the design period of the landfill. Any prior conduct certifications issued to the owner or operator shall be included in the permit application. The owner and operator shall certify that the Agency will be notified within seven days of any changes in ownership or conditions in the lease affecting the permit area.

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Section 812.114 Closure Plans

The permit application shall contain a written closure plan which contains, at a minimum, the following:

- a) A map showing the configuration of the facility after closure of all units, with the following:
 - 1) A contour map showing the proposed final topography (after placement of the final cover) of all disturbed areas on a 1" = 200' scale and a contour interval of two feet; and
 - 2) The location of all facility-related structures to remain as permanent features after closure.
- b) Steps necessary for the premature final closure of the site at the assumed closure date, as defined in 35 Ill. Adm. Code 811.700(e);
- c) Steps necessary for the final closure of the site at the end of its intended operating life;
- d) Steps necessary to prevent damage to the environment during temporary suspension of waste acceptance if the operator wants a permit which would allow temporary suspension of waste acceptance at the site without initiating final closure;
- e) A description of the steps necessary to decontaminate equipment during closure;
- f) An estimate of the expected year of closure;
- g) Schedules for the premature and final closure, which shall include, at a minimum:
 - 1) Total time required to close the site; and
 - 2) Time required for closure activities which will allow tracking of the progress of closure; and
- h) A description of methods for compliance with all closure requirements of 35 Ill. Adm. Code 811.

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Section 812.115 Postclosure Care Plans

The application shall contain a postclosure care plan which includes a written description of the measures to be taken during the postclosure care period in compliance with the requirements of 35 Ill. Adm. Code 811.

Section 812.116 Closure and Postclosure Cost Estimates

The application shall contain an estimate of the costs of closure and postclosure care and maintenance in accordance with the requirements of 35 Ill. Adm Code 811.Subpart G.

SUBPART B: ADDITIONAL INFORMATION REQUIRED FOR INERT
WASTE LANDFILLS

Section 812.201 Scope and Applicability

In addition to the information required by Subpart A, an application for a permit to develop an inert waste disposal unit shall contain the information required by this Subpart.

Section 812.202 Waste Stream Test Results

The application shall contain information describing the waste and results of tests conducted on the waste pursuant to 35 Ill. Adm. Code 811.202 demonstrating that all waste entering the unit meet the definition of an inert waste.

Section 812.203 Final Cover

The permit application shall contain a description of the material to be used as the final cover, application and spreading techniques, and the types of vegetation to be planted pursuant to 35 Ill. Adm. Code 811.204.

Section 812.204 Closure Requirements

The permit application shall contain a description of how the applicant will comply with 35 Ill. Adm. Code 811.205(a) and (b).

SUBPART C: ADDITIONAL INFORMATION REQUIRED FOR PUTRESCIBLE AND
CHEMICAL WASTE LANDFILLS

Section 812.301 Scope and Applicability

In addition to the information required by Subpart A, an application for a permit to develop a putrescible or chemical

waste landfill shall contain the information required by this Subpart.

Section 812.302 Waste Analysis

An application for a landfill that accepts only chemical wastes shall include the results of a waste analysis showing that the wastes to be accepted at the facility meet the definition of a chemical waste. The analysis shall show that all wastes entering the unit will be compatible and will not react to form a hazardous substance or gaseous products.

Section 812.303 Site Location

a) The permit application shall contain a site location map showing the location of the following structures or areas located within one mile of the facility:

- 1) All water supply wells in use for drinking water;
 - 2) All setback zones established pursuant to Section 14.2 or 14.3 of the Act;
 - 3) Any sole source aquifer, or that an impervious strata exists between the facility and the aquifer that meets the minimum requirements of 35 Ill. Adm. Code 811.302(b);
 - 4) Units located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act showing that the location still meets the minimum requirements of 35 Ill. Adm. Code 811.302(b);
 - 5) All state and federal parks and recreational areas;
 - 6) All state, federal or interstate highways and the location of any barriers necessary to comply with 35 Ill. Adm. Code 811.302(c);
 - 7) All occupied dwellings, hospitals and schools; and
 - 8) All airports.
- b) If any areas or structures included in a site location map, in accordance with subsection (a), requires a demonstration or showing, then documentation of the demonstration or showing must accompany the site location map.

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Section 812.304 Waste Shredding

If waste shredding is planned for the facility operation, including the landfilling of shredded waste, then the application shall contain documentation to demonstrate compliance with 35 Ill. Adm Code 811.303(b), including a description of the mechanical shredder proposed for use.

Section 812.305 Foundation Analysis and Design

- a) The permit application shall contain a foundation study and analysis showing that the unit demonstrates compliance with 35 Ill. Adm. Code 811.304 and 811.305.
- b) The study shall be performed by or under the supervision of a registered professional engineer.
- c) The following information shall be included in the permit application:
 - 1) Results of tests performed on foundation materials;
 - 2) Estimated settlement of the unit;
 - 3) Diagrams and cross sections of any proposed sub-base or foundation construction;
 - 4) Specifications for soil to be used for foundation construction; and
 - 5) A construction quality assurance program for proper implementation of the foundation pursuant to 35 Ill. Adm. Code 811.Subpart E.

Section 812.306

Design of the Liner System

The application shall contain information to show that the design of the liner system meets the minimum requirements of 35 Ill. Adm. Code 811.306, including the following information:

- a) For Compacted Clay Liners:
 - 1) Cross sections and plan views of the liner system;
 - 2) Results of any field or laboratory tests demonstrating that the liner material complies with 35 Ill. Adm. Code 811.306(d);

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3) A description of the test liner, including:

- A) Diagrams and any supporting documentation showing that the test liner will be constructed and evaluated in accordance with 35 Ill. Adm. Code 811.507(a); or
- B) A detailed description of the results of the test liner constructed in accordance with 35 Ill. Adm Code 811.507(a), if constructed prior to permit application;

4) A description of construction methods and equipment to be utilized; and

5) A construction quality assurance plan pursuant to 35 Ill. Adm. Code 811.Subpart E.

b) For geomembranes:

1) A description of the physical properties of the geomembrane;

2) Documentation showing that the design of the geomembrane meets the minimum requirements of 35 Ill. Adm. Code 811.306(e);

3) A description of the methods to seam the geomembrane in the field in compliance with 35 Ill. Adm. Code 811.306(e)(5);

4) A plan showing the proposed layout of the individual panels and the locations of all openings through the geomembrane;

5) A cross section and description of how openings in the membrane will be constructed to minimize leaks; and

6) A construction quality assurance program pursuant to 35 Ill. Adm. Code 811.Subpart E for proper construction, seaming and inspection of the geomembrane.

c) For Slurry Trenches and Cutoff Walls:

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- 1) A description of the slurry trench or cutoff wall, including documentation of cross sections, material specifications and methods of construction to demonstrate compliance with 35 Ill. Adm. Code 811.306(f);
- 2) Location and descriptions of the boreholes, including the results of any testing; and
- 3) A construction quality assurance plan, pursuant to 35 Ill. Adm. Code 811.307 and 811.308.

d) For Alternative Liner Technology:

A complete description of the technology, including documentation demonstrating that the technology will perform as required by 35 Ill. Adm. Code 811.306(f).

Section 812.307 Leachate Drainage and Collection Systems

The permit application shall contain information to demonstrate that the proposed leachate drainage and collection system will be in compliance with 35 Ill. Adm. Code 811.307 and 811.308, including:

- a) A plan view of the leachate collection system, showing pipe locations, cleanouts, manholes, sumps, leachate storage structures and other related information;
- b) Cross sections and descriptions of manholes, sumps, cleanouts, connections and other appurtenances;
- c) The locations of all leachate level monitoring locations;
- d) A stability analysis showing that the side slopes will maintain the necessary static and seismic safety factors during all phases of operation;
- e) All calculations, assumptions and information used to design the leachate collection and drainage system;
- f) A description of the methods to be used to clean and otherwise maintain the leachate collection and drainage system, including the number and location of access and cleanout points; and

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- g) A construction quality assurance program to insure proper construction of the systems pursuant to 35 Ill. Adm. Code 811.309(f)(3);

Section 812.308 Leachate Management System

- a) The application shall contain information to show how the applicant will comply with 35 Ill. Adm. Code 811.309, including the following information:

1) Leachate disposal methods, including:

- A) The approved NPDES permit or, if the permit is pending, the NPDES permit application;
 - B) Documentation to demonstrate that the offsite treatment works meets the requirements of 35 Ill. Adm. Code 811.309(e)(1); or
 - C) Pretreatment authorization, if necessary from the offsite publicly owned treatment works pursuant to 35 Ill. Adm. Code 310.
- 2) Design of tanks, lagoons, and all other treatment or storage units;
 - 3) A map showing the location of all units, piping and monitoring stations; and
 - 4) A description of the leachate monitoring system, including all parameters to be monitored and the location of the sampling points.
- b) The operator may include in the application a request for authorization to recycle leachate, if desired. The request shall be supported by information to demonstrate compliance with 35 Ill. Adm. Code 811.309(f), including:

- 1) A demonstration that the unit satisfies the criteria of 35 Ill. Adm. Code 811.309(f)(1);
- 2) Estimates of the expected volume of excess leachate, as defined in 35 Ill. Adm. Code 811.309(f)(3);
- 3) A plan for the disposal of excess leachate, as defined in 35 Ill. Adm. Code 811.309(f)(3);

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- 4) Layout and design of the leachate distribution system; and
- 5) Pursuant to 35 Ill. Adm. Code 811.309(f)(6), a demonstration that the daily and intermediate cover is permeable, or a plan to remove daily and intermediate cover prior to additional waste disposal.

Section 812.309 Landfill Gas Monitoring Systems

The permit application shall contain a plan to monitor the buildup and composition of landfill gas in compliance with 35 Ill. Adm. Code 811.310, including:

- a) A description of the most likely paths of migration of landfill gas expected to be generated by the unit, supported by the results of any predictive modeling study of gas flow through the strata surrounding the facility used, pursuant to 35 Ill. Adm. Code 811.310(b)(2); and
- b) The location and design of sampling points.

Section 812.310 Gas Collection Systems

The permit application shall contain, when a gas collection system is required pursuant to 35 Ill. Adm. Code 811.311(a), a plan for collecting landfill gas from the unit. The plan shall contain information to demonstrate compliance with 35 Ill. Adm. Code 811.311, including:

- a) Location of the collection points;
- b) Layout and design of the collection system;
- c) A description of and specifications for all machinery, compressors, flares, piping and other appurtenances necessary to the system; and
- d) A gas condensate disposal plan.

Section 812.311 Landfill Gas Disposal

When a permit application contains a plan for a gas collection system, then a plan for landfill gas disposal shall be submitted.

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The plan shall contain information to demonstrate compliance with 35 Ill. Adm. Code 811.312, including:

- a) The approved air discharge permit or, if the permit is pending, a copy of the air discharge permit application required pursuant to 35 Ill. Adm. Code 200 thru 245;
- b) A map showing the location of the gas processing facility;
- c) Designs for the disposal system;
- d) A gas processing plan which includes a description of the beneficial uses to be derived for the gas and the design of the processing system; and
- e) Where an offsite processing plant is utilized, the application shall contain documentation showing that the plant meets all requirements of 35 Ill. Adm. Code 811.312(g).

Section 812.312 Intermediate Cover

The application shall contain a description of the material to be used as intermediate cover in accordance with 35 Ill. Adm. Code 811.313, including:

- a) A description of the soil to be used, including its classification and approximate hydraulic conductivity; or
- b) A demonstration that any proposed alternative materials or procedures to substitute for intermediate cover meet the minimum requirements of 35 Ill. Adm. Code 811.313.

Section 812.313 Design of the Final Cover System

The permit application shall contain documentation for the final cover system to demonstrate compliance with 35 Ill. Adm. Code 811.314, including:

- a) Material specifications;
- b) Placement techniques;
- c) Estimates of settling;

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- d) A description of final protective cover, including a description of the soil and the depth necessary to maintain the proposed land use of the area;
- e) A description showing how the low permeability layer will tie into the liner system; and
- f) A construction quality assurance program, pursuant to 35 Ill. Adm. Code 811. Subpart E, which provides that the cover is constructed in compliance with all applicable requirements of 35 Ill. Adm. Code 811.

Section 812.314 Description of the Hydrogeology

The permit application shall contain a description of the local hydrogeologic system, which shall include the results of the investigation conducted in accordance with 35 Ill. Adm. Code 811.315 and which includes the following information:

- a) A narrative description of the regional setting;
- b) A narrative description characterizing the hydrogeological conditions within the permit area;
- c) Geological cross sections of the permit area showing all water bearing strata, water elevations and all geological units;
- d) Location of all bore holes and test pits;
- e) All well and bore logs;
- f) Laboratory and field testing data;
- g) A detailed description of each geological unit found within the study area, including physical and geochemical properties; and
- h) A description of all water bearing strata under the facility, including a potentiometric map, groundwater flow velocities and directions and a description of the water quality.

Section 812.315 Plugging and Sealing of Drill Holes

The application shall contain a plan describing the techniques and materials to be utilized to plug and seal drill holes in accordance with 35 Ill. Adm. Code 811.316.

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Section 812.316 Results of the Groundwater Impact Assessment

The application shall contain the results of a groundwater impact assessment showing that the proposed unit will not violate the requirements of 35 Ill. Adm. Code 811.317. The assessment shall contain, at a minimum, the following information:

- a) Documentation of the contaminant transport model used for the assessment;
- b) All input data used to perform the analysis and modeling;
- c) A sensitivity analysis of the model's predictions versus the magnitude of the input parameters;
- d) Predicted concentration versus time profiles for several points within the zone of attenuation over a predicted time period of 100 years;
- e) Predicted concentration versus distance profiles taken at five year increments for 100 years;
- f) Documentation showing reliability of the model;
- g) Documentation demonstrating validity of all input parameters and assumptions; and
- h) A written evaluation of the groundwater impacts expected at the facility.

Section 812.317 Groundwater Monitoring Program

The permit application shall contain a groundwater monitoring plan which demonstrates compliance with 35 Ill. Adm. Code 811.318 and 811.319 and which includes the following information:

- a) A site plan map showing all zones of attenuation;
- b) Distance to the bottom of the uppermost aquifer;
- c) The location and depth of all groundwater monitoring points;
- d) The design of the groundwater monitoring wells, with a description of the materials to be used in constructing each well;

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- e) A list of the parameters to be tested at each monitoring point;
- f) A concentration versus time profile for each monitoring point, showing the maximum allowable concentration at that monitoring point for the 100 years after the closure of the unit;
- g) A description of the sampling procedure to be followed;
- h) A description of the preservation techniques to be utilized;
- i) A description of the chain of custody, packing and transportation plans for all samples to meet the requirements of 35 Ill. Adm. Code 811.318(g);
- j) A description of the laboratory analysis, including laboratory procedures, quality control, and error detection;
- k) A description of the statistical analysis techniques to be used for evaluating the monitoring data;
- l) A description of the groundwater quality standards applicable at the facility pursuant to 35 Ill. Adm. Code 811.320, including a specific numerical value for each constituent and including an evaluation of the background concentrations of each constituent to be monitored; and
- m) A description of the statistical method to be utilized when evaluating groundwater data.

Section 812.318

Operating Plans

- a) The application shall contain all information necessary to demonstrate compliance with 35 Ill. Adm. Code 811.321(a).
- b) The application shall contain a narrative description of the initial waste placement plan, to demonstrate compliance with 35 Ill. Adm. Code 811.321(b).

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- 1) The Heading of the Part: Standards For Existing Landfills and Units
- 2) Code Citation: 35 Ill. Adm. Code 814
- 3) Section Number:
 - 814.101 Proposed Action: New Section
 - 814.102 New Section
 - 814.103 New Section
 - 814.104 New Section
 - 814.105 New Section
 - 814.106 New Section
 - 814.201 New Section
 - 814.202 New Section
 - 814.301 New Section
 - 814.302 New Section
 - 814.401 New Section
 - 814.402 New Section
 - 814.501 New Section
 - 814.502 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1.

- 5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

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A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, this Part establishes the standards applicable to landfills which are disposing of waste as of the effective date of this Part. This Part establishes different requirements for new disposal units and existing disposal units within such landfills. Landfill operators are required to determine the date on which their facilities must begin closure, which is dependent upon the ability of existing units to meet the design and performance standards contained in this Part.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: March 5, 1990

B) Types of small businesses affected:

The proposed rules may affect existing landfills which will be regulated by proposed Parts 810-815.

C) Reporting, bookkeeping or other procedures required for compliance:

As initial notification of facility status is required for all landfills. Permitted landfills are required to apply for modification of their permits.

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of any special wastes received at the site, preparation of a plan for closure and postclosure care and receipt of a financial assurance instrument to guarantee compliance with such plan.

D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, registered professional engineer, a professional land surveyor, a hydrologist, and a certified public accountant.

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The full text of the proposed amendments begins on the next page

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 814
STANDARDS FOR EXISTING LANDFILLS AND UNITS

SUBPART A: GENERAL REQUIREMENTS

- | | |
|---------|---|
| Section | Scope and Applicability |
| 814.101 | Compliance Date |
| 814.102 | Notification to Agency |
| 814.103 | Applications For Significant Modification of Permits |
| 814.104 | Effect of Timely Filing of Notification and Application |
| 814.105 | For Significant Modification |
| 814.106 | Agency Action On Applications For Significant Modifications to Existing Permits |

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

- | | |
|---------|-------------------------|
| Section | Scope and Applicability |
| 814.201 | Applicable Standards |

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

- | | |
|---------|-------------------------|
| Section | Scope and Applicability |
| 814.301 | Scope and Applicability |
| 814.302 | Applicable Standards |

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

- | | |
|---------|-------------------------|
| Section | Scope and Applicability |
| 814.401 | Scope and Applicability |
| 814.402 | Applicable Standards |

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

- | | |
|---------|-------------------------------------|
| Section | Scope and Applicability |
| 814.501 | Standards for Operation and Closure |
| 814.502 | |

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1).

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SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL REQUIREMENTS

Section 814.101 Scope and Applicability

a) This Part establishes the standards applicable to all existing landfill facilities which includes facilities that are not considered to be new as defined at 35 Ill. Adm. Code 810.103. This Part establishes requirements for both new and existing disposal units within such existing landfill facilities. Landfill operators are required to determine the date on which their facilities must begin closure, which is dependent upon the ability of existing units to meet the design and performance standards contained in this Part.

b) The requirements of Sections 814.104, 814.105 and 814.106 of this Subpart apply only to those landfill facilities identified as existing facilities in subsection (a) and which require an Agency issued permit.

c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 814.102 Compliance Date

Unless otherwise expressly provided in Section 814.105, all landfills with existing units shall comply with the requirements of this Part within six months of the effective date of this Part.

Section 814.103 Notification to Agency

No later than six months after the effective date of this Part, all operators shall send notification to the Agency describing the facility, estimated date of closure of existing units, and whether the facility is subject to the requirements of Subpart B, Subpart C, Subpart D, or Subpart E.

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Section 814.104 Applications For Significant Modification of Permits

a) All operators of landfills permitted pursuant to Section 21(d) of the Environmental Protection Act (Act) shall file an application for a significant modification to their permits for existing units, unless the units will be closed pursuant to Subpart E within two years of the effective date of this Part.

b) The operator of an existing unit shall submit information required by 35 Ill. Adm. Code 812 to demonstrate compliance with Subpart B, Subpart C or Subpart D, whichever is applicable.

c) The application shall be filed within 48 months of the effective date of this Part, or at such earlier time as the Agency shall specify in writing pursuant to 35 Ill. Adm. Code 807.209 or 813.201(b).

d) The application shall be made pursuant to the procedures of 35 Ill. Adm. Code 813.

Section 814.105 Effect of Timely Filing of Notification and Application For Significant Modification

a) Permits issued pursuant to 35 Ill. Adm. Code 807 prior to the effective date of this Part remain in full force and effect until superseded by a permit issued pursuant to this Part or until revoked as a result of an enforcement action brought pursuant to Title VIII of the Act.

b) An operator who has timely filed a notification pursuant to Section 814.103 and an application for significant permit modification pursuant to Section 814.104 shall continue operation under the terms of its existing permits until final determination by the Agency on its application and any subsequent appeal to the Board pursuant to Section 40 of the Act. During this time, the operator will be deemed to be in compliance with all requirements of this Part.

Section 814.106 Agency Action On Applications For Significant Modifications to Existing Permits

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The Agency shall review applications for significant modifications to existing permits in accordance with the requirements and procedures of 35 Ill. Adm. Code 813.

SUBPART B: STANDARDS FOR UNITS ACCEPTING INERT WASTE

Section 814.201 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept only inert waste. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements of this Subpart are subject to the requirements of Subpart D.

Section 814.202 Applicable Standards

Units which accept only inert waste shall be subject to all of the requirements of 35 Ill. Adm. Code 811. Subparts A & B.

SUBPART C: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MAY REMAIN OPEN FOR MORE THAN SEVEN YEARS

Section 814.301 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart may remain open for an indefinite period of time beyond seven years after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units which are unable to comply with the requirements

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of this Subpart are subject to the requirements of Subpart D or Subpart E.

Section 814.302 Applicable Standards

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:
 - 1) The location standards in 35 Ill. Adm. Code 811.302(a), (d), and (e);
 - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
 - 3) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part.
 - 4) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308; and
 - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315, except that information shall be collected to implement a groundwater monitoring program in accordance with 35 Ill. Adm. Code 811.318 and 811.319 and establish background concentrations for the purpose of establishing water quality standards pursuant to 35 Ill. Adm. Code 811.320; and
- b) Units regulated under this Subpart shall be subject to the following standards:
 - 1) The unit must be equipped with a system which will effectively drain and collect leachate and transport it to a leachate management system. The collection system need not be designed in compliance with the requirements of 35 Ill. Adm. Code 811.307 and 811.308.
 - 2) The completed unit shall achieve a long-term static safety factor against slope failure of 1.5;
 - 3) Calculation of the Design Period

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For the purposes of calculating financial assurance the design period shall be calculated as follows:

- A) The design period shall be no less than the operating life of the landfill plus fifteen years of postclosure care;
- B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811 (For example, an existing unit with expected operating lives of three, seven or 12 years after the effective date of this Part would be required to provide financial assurance during operation and for a postclosure care period of either 15 years since $3 \times 3 = 9$ years is less than the 15 year minimum specified in subsection (b)(3)(A); 21 years since $3 \times 7 = 21$ years; or 30 years since $3 \times 13 = 39$ years is greater than the 30 years specified in Section 811.303(a), respectively); and
- C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303(b) and (c).

SUBPART D: STANDARDS FOR EXISTING UNITS ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN SEVEN YEARS

Section 814.401 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that have accepted or accept chemical and putrescible wastes. Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection, units that meet the requirements of this Subpart shall initiate closure between two and seven years after the effective date of this Part.
- b) Based on an evaluation of the information submitted pursuant to Subpart A and any Agency site inspection,

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units which are unable to comply with the requirements of this Section are subject to the requirements of Subpart E.

Section 814.402 Applicable Standards

- a) All of the requirements for new units described in 35 Ill. Adm. Code 811 shall apply to units regulated under this Subpart except the following:
 - 1) The location standards in 35 Ill. Adm. Code 811.302(a), (c), (d), and (e);
 - 2) The foundation and mass stability analysis standards in 35 Ill. Adm. Code 811.304 and 811.305;
 - 3) The liner and leachate drainage and collection requirements of 35 Ill. Adm. Code 811.306, 811.307, and 811.308;
 - 4) The final cover requirements of 35 Ill. Adm. Code 811.314 shall not apply to units or parts of units closed, covered and vegetated prior to the effective date of this Part;
 - 5) The hydrogeological site investigation requirements of 35 Ill. Adm. Code 811.315;
 - 6) The groundwater impact assessment standards of 35 Ill. Adm. Code 811.317;
 - 7) The groundwater monitoring program requirements of 35 Ill. Adm. Code 811.318(d); and
 - 8) The groundwater quality standards of 35 Ill. Adm. Code 811.320(a), (b) and (c).
- b) The following standards shall apply to units regulated under this Subpart:
 - 1) No new units shall be opened and an existing unit may not expand beyond the area included in a permit prior to the effective date of this Part or, in the case of permit exempt facilities, beyond the area needed for landfilling to continue until closure is initiated;

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- 2) After the effective date of this Part, the unit may not apply for supplemental wastewater permits to accept new special wastes. However, the unit may continue to accept special waste under permits existing prior to the effective date of this Part and may renew those permits as necessary.

3) Groundwater Standards

- A) A unit shall not contaminate a source of drinking water at the compliance boundary, defined as any point on the edge of the unit at or below the ground surface. At any point on the compliance boundary, the concentration of constituents shall not exceed the water quality standards specified in 35 Ill. Adm. Code 302.301, 302.303, 302.304, and 302.305. The Board may provide for a zone of attenuation and adjust the compliance boundary in accordance with Section 28.1 and the procedures of 35 Ill. Adm. Code 106. Subpart G of the Act upon petition demonstration by the operator that the alternative compliance boundary will not result in contamination of groundwater which may be needed or used for human consumption. In reviewing such petitions, the Board will consider the following factors:

- i) The hydrogeological characteristics of the unit and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;
- ii) The volume and physical and chemical characteristics of the leachate;
- iii) The quantity, quality, and direction of flow of groundwater underlying the facility;
- iv) The proximity and withdrawal rates of groundwater users;
- v) The availability of alternative drinking water supplies;

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- vi) The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater;
- vii) Public health, safety, and welfare effects; and
- viii) In no case shall the zone of compliance extend beyond the facility property line or beyond the annual high water mark of any navigable surface water.

4) Calculation of the Design Period

For the purposes of calculating financial assurance the design period shall be calculated as follows:

- A) The design period shall be no less than five years; and
- B) The postclosure care period shall be extended by three years for each year the unit is expected to be in operation up to the applicable design period required by 35 Ill. Adm. Code 811. (For example, an existing unit with an expected life of three years after the effective date of this Part would be required to provide financial assurance for nine years of postclosure care, $9 = 3 \times 3$.)

- C) The design period may not be reduced as allowed by 35 Ill. Adm. Code 811.303.

SUBPART E: STANDARDS FOR EXISTING UNITS ACCEPTING INERT WASTE ONLY, OR ACCEPTING CHEMICAL AND PUTRESCIBLE WASTES THAT MUST INITIATE CLOSURE WITHIN TWO YEARS

Section 814.501 Scope and Applicability

- a) The standards in this Subpart are applicable to all existing units of landfills, including those exempt from permit requirements in accordance with Section 21(d) of the Act, that accept inert waste only, or which accept chemical and putrescible wastes.

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- b) All units that cannot demonstrate compliance with the requirements of Subpart B or Subpart C or are scheduled to begin closure within two years of the effective date of this Part must begin closure within two years of the effective date of this Part.
- c) A new permit shall not be required for any facility at which all units will close within two years of the effective date of this Part.

Section 814.502 Standards for Operation and Closure

- a) All units regulated in this Subpart are subject to all requirements in 35 Ill. Adm. Code 807.
- b) All units regulated under this Subpart are subject to all conditions of the existing permit.

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NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: Procedural Requirements For All Landfills Exempt From Permits

2) Code Citation: 35 Ill. Adm. Code 815

Section Number:	Proposed Action:
815.101	New Section
815.102	New Section
815.201	New Section
815.202	New Section
815.203	New Section
815.204	New Section
815.301	New Section
815.302	New Section
815.303	New Section
815.401	New Section
815.402	New Section
815.501	New Section
815.502	New Section
815.503	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars, 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1.

5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

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A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Waste Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, proposed Part 815 establishes procedural requirements for landfills which are exempt from permitting pursuant to Section 21(d) of the Environmental Protection Act (Act). Such landfills are required to file initial facility reports, annual reports, and quarterly groundwater reports.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
- March 5, 1990
- B) Types of small businesses affected:

The proposed rules may affect new landfills which will be regulated by proposed Parts 810-815 and which are exempt from permits pursuant to Section 21(d) of the Act.

- C) Reporting, bookkeeping or other procedures required for compliance:

Reports required by this Part are initial facility reports, annual reports concerning wastes received and monitoring results, and quarterly groundwater report. Records required to be kept at the site include information concerning construction quality assurance.

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of any special wastes received at the site, preparation of a plan for closure and postclosure care and receipt of a financial assurance instrument to guarantee compliance with such plan.

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D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, registered professional engineer, a professional land surveyor, a hydrologist, and a certified public accountant.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 815
PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM PERMITS

SUBPART A: GENERAL REQUIREMENTS

Section
815.101
815.102

Scope and Applicability
Required Signatures

SUBPART B: INITIAL FACILITY REPORT

Section
815.201
815.202
815.203
815.204

Scope and Applicability
Filing Deadline
Information to be Filed
Required Signatures

SUBPART C: ANNUAL REPORTS

Section
815.301
815.302
815.303

Scope and Applicability
Reporting Period
Information to be Submitted

SUBPART D: QUARTERLY GROUNDWATER REPORTS

Section
815.401
815.402

Scope and Applicability
Filing Schedule

SUBPART E: INFORMATION TO BE RETAINED ONSITE

Section
815.501
815.502
815.503

Scope and Applicability
Acceptance Reports
Other Information

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

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SUBPART A: GENERAL REQUIREMENTS

Section 815.101 Scope and Applicability

- a) The requirements of this Part are applicable to all landfills exempt from permits pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(d)). All reports and information required under this Part shall be filed with the Agency or retained on site in accordance with the requirements set forth in each Subpart.

- b) All general provisions in 35 Ill. Adm. Code 810 apply to this Part.

Section 815.102 Required Signatures

All reports shall be signed by a duly authorized agent. The following persons are considered duly authorized agents:

- a) For Corporations, a principal executive officer of at least the level of vice president;
- b) For a sole proprietorship or partnership, a proprietor or general partner, respectively;
- c) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official.

SUBPART B: INITIAL FACILITY REPORT

Section 815.201 Scope and Applicability

All landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

Section 815.202 Filing Deadline

- a) Existing Facilities

The initial facility report shall be filed with the Agency within two years of the effective date of this Part.

- b) New Facilities

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The initial facility report shall be filed with the Agency before any waste is accepted.

Section 815.203 Information to be Filed

- a) New Units

All of the information required by 35 Ill. Adm. Code 812 except 35 Ill. Adm. Code 812.101, 812.103, 812.104, 812.105, and 812.116 shall be filed with the Agency.

- b) Existing Units

All of the information required by 35 Ill. Adm. Code 812, except 35 Ill. Adm. Code 812.101, 812.103, 812.104, 812.105, and 812.116, that is applicable to an existing unit, as described in 35 Ill. Adm. Code 814, shall be filed with the Agency.

Section 815.204 Required Signatures

- a) All initial facility reports shall contain the name, address, and telephone number of a duly authorized agent to whom all inquiries and correspondence shall be addressed.

- b) All initial facility reports shall be signed by a duly authorized agent and shall be accompanied by evidence of authority to sign the report and shall be notarized.

SUBPART C: ANNUAL REPORTS

Section 815.301 Scope and Applicability

All landfills regulated under this Part shall file an annual report with the Agency. The first annual report shall be filed on the first of January that follows the year in which the initial facility report is filed, unless the Agency specifies in writing an alternative filing date no later than one year after the initial facility report has been filed.

Section 815.302 Reporting Period

Annual reports shall be filed during operation of the facility and for the entire postclosure monitoring period.

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Section 815.303 Information to be Submitted

All annual reports shall contain the following information:

- a) A waste volume summary which includes:
 - 1) Total amount of solid waste accepted at the facility;
 - 2) Remaining capacity in each unit; and
 - 3) A copy of all identification reports required under 35 Ill. Adm. Code 811.404.
- b) All raw monitoring data collected at the facility from the leachate collection system, groundwater monitoring network, and gas monitoring system, and in addition shall include:
 - 1) Graphical results of monitoring efforts;
 - 2) Statistical summaries and analysis of trends;
 - 3) Changes to the monitoring program; and
 - 4) Discussion of error analysis, detection limits, observed trends.

c) Proposed activities for the year

- 1) Amount of waste expected in the next year;
- 2) Structures to be built within the next year; and
- 3) New monitoring stations to be installed within the next year.

d) A summary of all significant modifications made to the operation during the course of the year.

e) Signature of the person in responsible charge of preparing the report.

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SUBPART D: QUARTERLY GROUNDWATER REPORTS

Section 815.401 Scope and Applicability

All landfills regulated under this Part shall file all groundwater monitoring data with the Agency in accordance with the filing schedule of this Subpart, and file modifications, since the last quarterly report, to any list of background concentrations prepared in accordance with 35 Ill. Adm. Code 811.320(d)(1).

Section 815.402 Filing Schedule

The reports shall be submitted to the Agency on a quarterly basis, in accordance with the following schedule:

- a) May 15 for activities in January, February and March;
- b) August 15 for activities during April, May and June;
- c) November 15 for activities during July, August and September; and
- d) February 15 for activities during October, November and December.

SUBPART E: INFORMATION TO BE RETAINED ONSITE

Section 815.501 Scope and Applicability

All facilities exempt from permits pursuant to Section 21(d) of the Act shall retain, for Agency inspection, the information required to be collected by the operator pursuant to this Subpart, at the facility for the entire postclosure care period.

Section 815.502 Acceptance Reports

At the end of each major phase of construction and prior to placing a structure into use, the construction quality assurance officer shall prepare an acceptance report in accordance with the requirements of 35 Ill. Adm. Code 811.505(d). All acceptance reports shall be retained at the site in accordance with this Subpart.

Section 815.503 Other Information

Information developed by the operator but not yet filed with the Agency in a quarterly or annual report shall be kept at or near

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the facility for inspection by the Agency upon request during normal working hours.

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1) The Heading of the Part: Procedural Requirements For Permitted Landfills

2) Code Citation: 35 Ill. Adm. Code 813

3)

Section Number:	Proposed Action:
813.101	New Section
813.102	New Section
813.103	New Section
813.104	New Section
813.105	New Section
813.106	New Section
813.107	New Section
813.108	New Section
813.109	New Section
813.110	New Section
813.111	New Section
813.201	New Section
813.202	New Section
813.203	New Section
813.204	New Section
813.301	New Section
813.302	New Section
813.303	New Section
813.304	New Section
813.305	New Section
813.401	New Section
813.402	New Section
813.403	New Section
813.501	New Section
813.502	New Section
813.503	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1.

5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had

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held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, proposed Part 813 establishes permitting procedures to be followed by the applicant and the Illinois Environmental Protection Agency concerning any application for landfill permits required by Section 21(d) of the Environmental Protection Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective (if applicable)?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in

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Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: March 5, 1990

- B) Types of small businesses affected:

The proposed rules may affect landfills which will be regulated by proposed Parts 810-815, and which are required to have a permit pursuant to Section 21(d) of the Act.

- C) Reporting, bookkeeping or other procedures required for compliance:

Proposed Part 813 specifies procedures to be followed in the permit application process, as well as informational requirements for certain types of permits not outlined in Part 812 which may be necessary to prove compliance with Part 811.

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of any special wastes received at the site, preparation of a plan for closure and

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postclosure care and receipt of a financial assurance instrument to guarantee compliance with such plan.

- D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, registered professional engineer, a professional land surveyor, a hydrologist, and a certified public accountant.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER 1: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section
813.101
813.102
813.103
813.104
813.105
813.106
813.107
813.108
813.109
813.110
813.111

Scope and Applicability
Delivery of Permit Application
Agency Decision Deadlines
Standards for Issuance of a Permit
Standards for Denial of a Permit
Permit Appeals
Permit No Defense
Term of Permit
Transfer of Permits
Adjusted Standards to Engage in Experimental Practices
Agency Review of Contaminant Transport Models

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section
813.201
813.202
813.203
813.204

Initiation of a Modification or Significant Modification
Information Required For a Significant Modification of an Approved Permit
Specific Information Required For A Significant Modification To Obtain Operating Authorization
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- 813.501 Annual Reports
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AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL PROCEDURES

Section 813.101 Scope and Applicability

- a) This Subpart contains the procedures to be followed by all applicants and the Agency for applications for permits required pursuant to Section 21(d) of Environmental Protection Act (Act) and 35 Ill. Adm. Code 811, 812, and 814. The procedures in this Part apply to applications to issue a permit to develop and operate a landfill, to modify a permit, to renew an expired permit, and to conduct an experimental practice.

- b) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 813.102 Delivery of Permit Application

All permit applications shall be made on such forms as are prescribed by the Agency, and shall be mailed or delivered to the address designated by the Agency on the forms. The Agency shall provide a dated, signed receipt upon request. The Agency's record of the date of filing shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt.

Section 813.103 Agency Decision Deadlines

- a) IF THERE IS NO FINAL ACTION BY THE AGENCY WITHIN 90 DAYS AFTER THE FILING OF THE APPLICATION FOR PERMIT,

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THE APPLICANT MAY DEEM THE PERMIT ISSUED; EXCEPT THAT THIS TIME PERIOD SHALL BE EXTENDED TO 180 DAYS WHEN:

- 1) NOTICE AND OPPORTUNITY FOR PUBLIC HEARING ARE REQUIRED BY STATE OR FEDERAL LAW OR REGULATION, OR
- 2) THE APPLICATION WHICH WAS FILED IS FOR ANY PERMIT TO DEVELOP A LANDFILL. (Section 39 of the Act)

- b) An application for permit pursuant to this Subpart shall not be deemed to be filed until the Agency has received all information and documentation in the form and with the content required by this Part and 35 Ill. Adm. Code 811, 812, and 814. However, if, pursuant to the standards of Section 813.105, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 813.102. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 813.106.

- c) The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a).

- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application that would otherwise be considered a significant modification of an approved permit shall constitute a new application for the purposes of calculating the Agency decision deadline date.

- e) The Agency shall mail all notices of final action by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

Section 813.104 Standards for Issuance of a Permit

- a) THE AGENCY SHALL ISSUE A PERMIT UPON PROOF THAT THE FACILITY, UNIT, OR EQUIPMENT WILL NOT CAUSE A VIOLATION OF

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THIS ACT OR OF BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.

MIGHT NOT BE MET IF THE PERMIT WERE GRANTED. (Section 39 of the Act)

- b) IN GRANTING PERMITS, THE AGENCY SHALL IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS ACT, AND AS ARE NOT INCONSISTENT WITH BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I.
- c) EXCEPT FOR THOSE FACILITIES OWNED OR OPERATED BY SANITARY DISTRICTS ORGANIZED UNDER "AN ACT TO CREATE SANITARY DISTRICTS AND TO REMOVE OBSTRUCTIONS IN THE DES PLAINES AND ILLINOIS RIVERS", APPROVED MAY 29, 1889, AS NOW OR HEREAFTER AMENDED, NO PERMIT FOR THE DEVELOPMENT OR CONSTRUCTION OF A NEW REGIONAL POLLUTION CONTROL FACILITY MAY BE GRANTED BY THE AGENCY UNLESS THE APPLICANT SUBMITS PROOF TO THE AGENCY THAT THE LOCATION OF SAID FACILITY HAS BEEN APPROVED BY THE COUNTY BOARD OF THE COUNTY IF IN AN UNINCORPORATED AREA, OR THE GOVERNING BODY OF THE MUNICIPALITY WHEN IN AN INCORPORATED AREA IN WHICH THE FACILITY IS TO BE LOCATED IN ACCORDANCE WITH SECTION 39.2 OF THE ACT.

- d) NO PERMIT SHALL BE ISSUED BY THE AGENCY FOR DEVELOPMENT OR OPERATION OF ANY FACILITY OR SITE LOCATED WITHIN THE BOUNDARIES OF ANY SETBACK ZONE ESTABLISHED PURSUANT TO THE ACT IN WHICH SUCH DEVELOPMENT OR OPERATION IS PROHIBITED. (Section 39 of the Act)

Section 813.105 Standards for Denial of a Permit

IF THE AGENCY DENIES ANY PERMIT UNDER THIS SECTION, THE AGENCY SHALL TRANSMIT TO THE APPLICANT WITHIN THE TIME LIMITATIONS OF SECTION 813.103 SPECIFIC, DETAILED STATEMENTS AS TO THE REASONS THE PERMIT APPLICATION WAS DENIED. SUCH A STATEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- THE SECTIONS OF THE ACT WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- THE PROVISION OF THE REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I PROMULGATED UNDER THE ACT, WHICH MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- THE SPECIFIC TYPE OF INFORMATION, IF ANY, WHICH THE AGENCY DEEMS THE APPLICANT DID NOT PROVIDE THE AGENCY; AND
- A STATEMENT OF SPECIFIC REASONS WHY THE ACT AND BOARD REGULATIONS SET FORTH IN 35 ILL. ADM. CODE: CHAPTER I

Section 813.106 Permit Appeals

- IF THE AGENCY REFUSES TO GRANT OR GRANTS WITH CONDITIONS A PERMIT THE APPLICANT MAY, WITHIN 35 DAYS, PETITION FOR A HEARING BEFORE THE BOARD TO CONTEST THE DECISION OF THE AGENCY. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 105.
- Preparation and distribution by the Agency of any draft permit is not a final decision for purposes of appeal.
- Any Agency action to deny a permit or to grant a permit with conditions will not be deemed final for the purposes of appeal if the applicant has requested Agency reconsideration of that action prior to the filing of a petition pursuant to this Section.

Section 813.107 Permit No Defense

The issuance and possession of a permit shall not constitute a defense to a violation of the Act or any Board regulations set forth in 35 Ill. Adm. Code: Chapter I except for the development and operation of a landfill without a permit.

Section 813.108 Term of Permit

- No permit issued pursuant to this Part shall have a term of more than five years.
- A DEVELOPMENT PERMIT ISSUED UNDER SUBSECTION (A) OF SECTION 39 FOR ANY FACILITY OR SITE WHICH IS REQUIRED TO HAVE A PERMIT UNDER SUBSECTION (D) OF SECTION 21 SHALL EXPIRE AT THE END OF TWO CALENDAR YEARS FROM THE DATE UPON WHICH IT WAS ISSUED, UNLESS WITHIN THAT PERIOD THE APPLICANT HAS TAKEN ACTION TO DEVELOP THE FACILITY OR THE SITE. IN THE EVENT THAT REVIEW OF THE CONDITIONS OF THE DEVELOPMENT PERMIT IS SOUGHT PURSUANT TO SECTIONS 40 OR 41, OR THE PERMITTEE IS PREVENTED FROM COMMENCING DEVELOPMENT OF THE FACILITY OR SITE BY ANY OTHER LITIGATION BEYOND THE PERMITTEE'S CONTROL, SUCH TWO-YEAR PERIOD SHALL BE DEEMED TO BEGIN ON THE DATE UPON WHICH SUCH REVIEW PROCESS OR LITIGATION IS CONCLUDED. (Section 39(c) of the Act)

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Section 813.109 Transfer of Permits

No permit is transferable from one person to another except as approved by the Agency. Approval shall be granted only if a new operator seeking transfer of a permit can demonstrate the ability to comply with all applicable financial requirements of Section 21.1 of the Act and 35 Ill. Adm. Code Part 811. Subpart G.

Section 813.110 Adjusted Standards to Engage in Experimental Practices

- a) Experimental practices are design, construction, and operation methods and techniques which are not expressly authorized by, and whose employment cannot be demonstrated by the applicant to be in compliance with, 35 Ill. Adm. Code 811, 812, and 814. Experimental practices may be implemented only at permitted landfills.
- b) Pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Subpart G, any person may, at any time, petition the Board for an adjusted standard to any standard in 35 Ill. Adm. Code 811, 812, or 814 in order to engage in an experimental practice at a permitted landfill in accordance with the requirements of this Section.
- c) The petition for adjusted standard shall contain the following information in addition to that required by 35 Ill. Adm. Code 106. Subpart G. However, if the applicant believes that any of the information required by this Section is inapplicable, the applicant may so state provided that the petition contains an explanation of the inapplicability.

- 1) A narrative description of the experiment, describing the necessity of this experiment and an assessment of the expected outcome of this experiment;
- 2) A list of all standards in 35 Ill. Adm. Code 811 that must be adjusted in order to conduct the experiment and a reason why each standard must be adjusted;

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- 3) A description of the monitoring program (see 35 Ill. Adm. Code 811) to be implemented during the experiment;
 - 4) Criteria for evaluating the experimental practice. The criteria shall be specific enough to allow the Agency to evaluate the performance of the experimental practice from the monitoring results pursuant to subsection (f)(1);
 - 5) A description of the methods to be implemented and the total costs to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811, 812, or 814 if the experiment is determined to be a failure. The methods must be feasible with existing methods in use; and
 - 6) The time period requested in which to conduct the experiment and documentation to show that this is the shortest practical time period in which success or failure can be determined.
- d) The Board will review all requests to conduct experimental practices in accordance with Section 28.1 of the Act, 35 Ill. Adm. Code 106. Subpart G and the following criteria:
- 1) There is no way in which to conduct the experiment in compliance with all requirements of 35 Ill. Adm. Code 811, 812 or 814;
 - 2) The experiment will be conducted in as short a time as possible;
 - 3) A monitoring plan to evaluate the experiment will be implemented; and
 - 4) The site of the experiment will be restored to meet all requirements of 35 Ill. Adm. Code 811, 812 or 814 should the experiment fail.
- e) Implementation of the Experimental Practice.
- Upon approval of the experimental practice pursuant to subsection (d) by the Board, the operator shall file an application for significant modification of the permit with the Agency pursuant to Section 813. Subpart B. The application shall contain the following information:

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- 1) Detailed designs of all items to be constructed for use during the experiment;
- 2) The monitoring plan to be implemented during the experiment;
- 3) A plan for decommissioning and closing the experiment;
- 4) A time schedule for constructing the necessary items and closing, removing and stabilizing the area upon completion of the experiment;
- 5) An emergency cleanup plan describing the methods to be used to restore the facility to compliance with all standards in 35 Ill. Adm. Code 811 if the experiment is unsuccessful;
- 6) Cost estimates and financial assurance (see 35 Ill. Adm. Code 811. Subpart G) in an amount equal to the costs necessary to restore the facility to compliance with 35 Ill. Adm. Code: Chapter I.

f) Evaluation of Experimental Practice

- 1) After completion of the experiment all monitoring data shall be submitted to the Agency for evaluation of the experimental practice in accordance with the criteria provided in subsection (c)(4). The Agency shall determine if the experimental practice is acceptable for implementation pursuant to Section 39 of the Act, and the following additional criteria:
 - A) An experimental practice shall be considered acceptable for implementation if the monitoring results meet or exceed the criteria in subsection (c)(4) above for evaluating the experimental practice; and
 - B) If the experiment does not cause or contribute to a violation of the Act or 35 Ill. Adm. Code: Chapter I.
- 2) Upon completion of the experiment and an Agency determination that the experimental practice is acceptable for implementation, the Agency shall

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return the financial assurance instrument to the operator and, shall approve permit modifications allowing the operation of the experimental practice. If the experimental practice is determined to be unacceptable for implementation, then the Agency shall return the financial assurance instrument when the facility has been restored to comply with 35 Ill. Adm. Code: Chapter I.

Section 813.111 Agency Review of Contaminant Transport Models

- a) At the request of any person, consistent with any resource limitations, the Agency may review a groundwater contaminant transport (GCT) model for acceptance. The person shall demonstrate that the model meets the minimum requirements of 35 Ill. Adm. Code 811.317(c)(1), (2) and (3).
- b) The Agency may designate GCT models as acceptable for use by the applicant for a groundwater impact assessment. Such Agency designations shall be accompanied by limitations or conditions under which the model can or cannot be used. The applicant shall be relieved from demonstrating compliance with 35 Ill. Adm. Code 811.317 (c)(1), (2) and (3) in a permit application if a model accepted by the Agency has been used.
- c) An applicant using a model accepted by the Agency shall submit documentation in a permit application showing that the model used in the groundwater impact assessment was the same model previously reviewed and accepted by the Agency.
- d) The requirements of this Section shall in no way require an applicant to utilize a model accepted by the Agency. If a model is utilized that has not been reviewed and accepted by the Agency then the applicant shall include in the permit application all of the documentation necessary to demonstrate compliance with 35 Ill. Adm. Code 811.317(c)(1), (2), and (3).

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SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND
SIGNIFICANT MODIFICATION OF PERMITS

Section 813.201 Initiation of a Modification or Significant
Modification

a) Operator Initiated Modification

A modification or significant modification to an approved permit may be initiated at the request of an operator at any time after the permit is approved. The operator initiates a modification or significant modification by application to the Agency.

b) Agency Initiated Modification

1) The Agency may modify a permit under the following conditions:

- A) Discovery of a typographical or calculation error;
 - B) Discovery that a determination or condition was based upon false or misleading information;
 - C) An order of the Board; or
 - D) Promulgation of new statutes or regulations affecting the permit.
- 2) Modifications initiated by the Agency shall not become effective until after 45 days of receipt by the operator, unless stayed during the pendency of an appeal to the Board. All other time periods and procedures in 813.203 shall apply. The operator may request the Agency to reconsider the modification, or may file a petition with the Board pursuant to Section 813.106. All other time periods and procedures in 813.203 shall apply.

Section 813.202 Information Required For a Significant
Modification of an Approved Permit

The applicant shall submit all information required by 35 Ill. Adm. Code 812 that will be changed from that in the original or most recent approved permit.

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Section 813.203 Specific Information Required for A
Significant Modification To Obtain Operating
Authorization

Prior to placing into service any structure constructed at a landfill, pursuant to a construction quality assurance program in accordance with 35 Ill. Adm. Code Subpart E., the applicant shall submit an acceptance report prepared in accordance with the requirements of 35 Ill. Adm. Code 811.505(d) in order to obtain an operating authorization issued by the Agency. The Agency shall issue operating authorizations as a permit condition pursuant to Section 39 of the Act and this Part.

Section 813.204 Procedures For A Significant Modification of
an Approved Permit

Applications for significant modifications shall be subject to all requirements and time schedules in Subpart A.

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section 813.301 Time of Filing

An application for renewal of a permit shall be filed with the Agency at least 90 or 180 days, depending upon which Agency final action deadline applies pursuant to Section 39(a) of the Act, prior to the expiration date of the existing permit.

Section 813.302 Effect of Timely Filing

WHEN A PERMITTEE HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF A PERMIT, THE EXISTING PERMIT SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE FINAL AGENCY DECISION ON THE APPLICATION HAS BEEN MADE AND ANY FINAL BOARD DECISION ON ANY APPEAL PURSUANT TO SECTION 40 HAS BEEN MADE UNLESS A LATER DATE IS FIXED BY ORDER OF A REVIEWING COURT. (Section 16(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1016))

Section 813.303 Information Required For A Permit Renewal

- a) The operator shall submit only that information required by 35 Ill. Adm. Code 812 that has changed since the last permit review by the Agency.
- b) The operator shall update the groundwater impact assessment in accordance with 813.304; and

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- c) The operator shall provide a new cost estimate for closure and postclosure care pursuant to 35 Ill. Adm. Code 811.317 Subpart F based upon the operations expected to occur in the next permit term.

- b) The operator shall notify the Agency within 30 days after any temporary suspension of waste acceptance. The operator must comply with the requirements of any temporary suspension plan.

Section 813.304 Updated Groundwater Impact Assessment

- a) The applicant shall conduct a new groundwater impact assessment in accordance with 35 Ill. Adm. Code 811.317 if any of the following changes in the facility or its operation will result in an increase in the probability of exceeding a groundwater standard beyond the zone of attenuation:

- c) Until closure has been completed, the operator shall maintain a copy of the closure plan at the site or at a definite location, specified in the permit, so as to be available during inspection of the site.

Section 813.402 Certification of Closure

- 1) New or changed operating conditions;
- 2) Changes in the design and operation of the liner and leachate collection system;
- 3) Changes due to more accurate geological data;
- 4) Changes due to modified groundwater conditions due to offsite activity;
- 5) Changes due to leachate characteristics.

- a) When closure of a unit is completed, the operator shall submit to the Agency:

- 1) Documentation concerning closure of the closed unit including plans or diagrams of the unit as closed and date closure was completed.
- 2) An affidavit by the operator and the seal of a professional engineer that the unit has been closed in accordance with the closure plan and all requirements of 35 Ill. Adm. Code 811.

- b) If the operator certifies that the conditions applicable to the original assessment have not changed in such a way as to result in violation of groundwater standards pursuant to 35 Ill. Adm. Code 811.320, outside the zone of attenuation and no monitoring well shows concentrations of constituents in groundwater greater than such groundwater standards, then a new groundwater impact assessment need not be performed.

- b) When the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that the unit has been closed in accordance with the specifications of the closure plan, and the closure requirements of this Part, the Agency shall:

- 1) Issue a certificate of closure; and
- 2) Specify the date the postclosure care period begins, based on the date that closure was completed.

Section 813.305 Procedures for Permit Renewal

Applications for permit renewal shall be subject to all requirements and time schedules in Subpart A.

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section 813.401 Agency Notification Requirements

- a) The operator shall send to the Agency a notice of closure within 30 days after the date the final volume of waste is received.

Section 813.403 Termination of the Permit

- a) At the end of the postclosure care period the operator and a professional engineer shall certify that postclosure care is no longer necessary. The certification shall include the affidavit of the operator, the seal of a professional engineer and documentation demonstrating that, due to compliance with the requirements of 35 Ill. Adm. Code Parts 811, 812 and 814:

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- 1) Leachate removal is no longer necessary;
- 2) Landfill gas collection is no longer necessary;
- 3) Gas monitoring is no longer necessary;
- 4) Groundwater monitoring is no longer necessary;
- 5) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure care plan, are no longer necessary;
- 6) The facility does not constitute a threat of pollution to surface water; and
- 7) The operator has completed all requirements of the postclosure plan.

b) Within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that it is no longer required to maintain financial assurance for postclosure care of the site, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.

c) If the operator is not required to give financial assurance, then within 90 days after receiving the certification required by subsection (a), the Agency shall notify the operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (a) and any Agency site inspection, that continued postclosure care is required pursuant to the postclosure care plan and this Part.

d) The operator may deem the Agency action pursuant to this Section as a denial or grant of permit with conditions for purposes of appeal pursuant to Section 40(d) of the Act and Subpart A.

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SUBPART E: REPORTS TO BE FILED WITH THE AGENCY

Section 813.501 Annual Reports

a) All permitted landfills shall submit annual reports to the Agency during operation and for the entire postclosure monitoring period. Such annual reports shall be filled each year by the first day of the month chosen and specified by the Agency in the permit.

b) Agency Review of The Report

1) The Agency shall conduct a review of the annual report to determine compliance with the requirements of subsection (c) and either accept the contents as complete or request additional information within 45 days of receipt of the report.

2) If the Agency fails to respond within the required time period then the report shall be considered acceptable.

3) The operator shall return the additional information to the Agency within 45 days of receipt of the request for additional information.

4) The operator may deem any Agency request for information pursuant to this Section as a permit denial for purposes of appeal pursuant to Section 40 of the Act.

c) All annual reports shall contain the following information:

1) A waste volume summary which includes:

A) Total amount of solid waste accepted at the facility;

B) Remaining capacity in each unit; and

C) A copy of all identification reports required under 35 Ill. Adm. Code 811.404

2) Monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data

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which was specified in the operator's permit, including:

- A) Graphical results of monitoring efforts;
- B) Statistical summaries and analysis of trends;
- C) Changes to the monitoring program; and
- D) Discussion of error analysis, detection limits, and observed trends.

3) Proposed activities for the year

- A) Amount of Waste expected in the next year;
- B) Structures to be built within the next year; and
- C) New monitoring stations to be installed within the next year.

4) Signature of the person in responsible charge of preparing the report.

Section 813.502 Quarterly Groundwater Reports

All groundwater monitoring data shall be submitted to the Agency on a quarterly basis, in a form prescribed by the Agency, and in accordance with a schedule approved in the permit.

Section 813.503 Information to be Retained at or near the Waste Disposal Facility

Information developed by the operator but not yet forwarded to the Agency in a quarterly or annual report shall be kept at or near the facility for inspection by the Agency upon request during normal working hours.

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- 1) The Heading of the Part: Solid Waste
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3) Section Number: Proposed Action:
807.105 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1005, 1022, and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, the proposed new Section 807.105 outlines the relationship between the Board's hazardous waste

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regulations, 35 Ill. Adm. Code 700-749, existing Parts 807 and 809 and proposed Parts 810-815.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

March 5, 1990

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- B) Types of small businesses affected:

The proposed rules may affect new and existing landfills which will be regulated by proposed Parts 810-815.

- C) Reporting, bookkeeping or other procedures required for compliance:

Proposed Section 807.105 does not itself impose compliance requirements; these are contained in the other sections referenced in Section 807.105.

- D) Types of professional skills necessary for compliance:

Not applicable

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
SOLID WASTE

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SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Purpose, Scope and Applicability
Requirement to Obtain Financial Assurance
Time for Submission of Financial Assurance
Upgrading Financial Assurance
Release of Financial Institution
Application of Proceeds and Appeal
Release of the Operator
Current Cost Estimate
Cost Estimate for Closure
Cost Estimate for Postclosure Care
Biennial Revision of Cost Estimate
Interim Formula for Cost Estimate
Mechanisms for Financial Assurance
Use of Multiple Financial Mechanisms
Trust Fund for Unrelated Sites
RCRA Financial Assurance
Trust Fund
Surety Bond Guaranteeing Payment
Surety Bond Guaranteeing Performance
Letter of Credit
Closure Insurance
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Appendix A Financial Assurance Forms
Illustration A Trust Agreement

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Illustration B Certificate of Acknowledgment
 Illustration C Forfeiture Bond
 Illustration D Performance Bond
 Illustration E Irrevocable Standby Letter of Credit
 Illustration F Certificate of Insurance for Closure and/or Postclosure Care
 Illustration G Operator's Bond Without Surety
 Illustration H Operator's Bond With Parent Surety
 Illustration I Letter from Chief Financial Officer
 Appendix B Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021.1, 1022 and 1027).

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985 for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 807.105 Relation to Other Rules

- a) Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part or of 35 Ill. Adm. Code 811 through 815, however, if such a facility also contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are subject to such requirements.
- b) Persons and facilities subject to 35 Ill. Adm. Code 807, 809 or 811 through 815 may be subject to other applicable Parts of 35 Ill. Adm. Code: Chapter I based on the language of those other Parts. Specific examples of such applicability are provided as explained at 35 Ill. Adm. Code 700.102.
- c) The requirements of 35 Ill. Adm. Code 810 through 815

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

are intended to supersede the requirements of this Part. Persons and facilities regulated pursuant to 35 Ill. Adm. Code 810 through 815 are not subject to the requirements of this Part. This Part does not apply to new units as defined in 35 Ill. Adm. Code 810.103.

(Source: Added at 14 Ill. Reg. , effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: Solid Waste Disposal: General Provisions

- 2) Code Citation: 35 Ill. Adm. Code 810

- 3) Section Number: Proposed Action:
810.101 New Section
810.102 New Section
810.103 New Section
810.104 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1005, 1021, 1021.1, 1022, 1022.17 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

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In summary, proposed new Part 810 contains definitions and other general provisions applicable to proposed new Parts 810-815.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment, contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act. More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

March 5, 1990

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B) Types of small businesses affected:

The proposed rules may affect new and existing landfills which will be regulated by proposed Parts 810-815.

C) Reporting, bookkeeping or other procedures required for compliance:

Part 810 itself does not impose any compliance requirements; these are contained in Parts 811-815.

D) Types of professional skills necessary for compliance:

Not applicable.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810

SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section

810.101 Scope and Applicability

810.102 Severability

810.103 Definitions

810.104 Incorporations by Reference

AUTHORITY: Implementing Sections 5, 21, 21.1, 22 and 22.17, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17 and 1027).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization indicates statutory language.

Section 810.101

Scope and Applicability

This Part applies to all solid waste disposal facilities regulated pursuant to 35 Ill. Adm. Code 811 through 815. This Part does not apply to hazardous waste management facilities regulated pursuant to 35 Ill. Adm. Code 700 through 750.

Section 810.102

Severability

If any provision of this Part or of 35 Ill. Adm. Code 811 through 815 or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part or of 35 Ill. Adm. Code 811 through 815 as a whole or of any portion not adjudged invalid.

Section 810.103

Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1001 et. seq.):

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"Act" means the Environmental Protection Act, Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1001 et. seq.

"AGENCY" IS THE ENVIRONMENTAL PROTECTION AGENCY ESTABLISHED BY THE ENVIRONMENTAL PROTECTION ACT. (Section 3.08 of the Act.)

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include, but are not limited to: lime, cement, bentonite and sodium silicate.

"Applicant" means the person, submitting an application to the Agency for a permit for a solid waste disposal facility.

"AQUIFER" MEANS SATURATED (WITH GROUNDWATER) SOILS AND GEOLOGIC MATERIALS WHICH ARE SUFFICIENTLY PERMEABLE TO READILY YIELD ECONOMICALLY USEFUL QUANTITIES OF WATER TO WELLS, SPRINGS, OR STREAMS UNDER ORDINARY HYDRAULIC GRADIENTS and whose boundaries can be identified and mapped from hydrogeologic data. (Groundwater Protection Act, Section 3, Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 7453.)

"BOARD" IS THE POLLUTION CONTROL BOARD ESTABLISHED BY THE ACT. (Section 3.04 of the Act.)

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Design Period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the postclosure care period

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necessary to stabilize the waste in the units.

"DISPOSAL" MEANS THE DISCHARGE, DEPOSIT, INJECTION, DUMPING, SPILLING, LEAKING OR PLACING OF ANY SOLID WASTE INTO OR ON ANY LAND OR WATER OR INTO ANY WELL SUCH THAT SOLID WASTE OR ANY CONSTITUENT OF THE SOLID WASTE MAY ENTER THE ENVIRONMENT BY BEING EMITTED INTO THE AIR OR DISCHARGED INTO ANY WATERS, INCLUDING GROUNDWATER. (Section 3.08 of the Act.) If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation shall constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds and financial records, that are used to support facts or hypothesis.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit which is not defined in this Section as a new facility or a new unit.

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage or disposal operation. All structures used in connection with or to facilitate the waste disposal operation shall be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste

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disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas collection system" means a system of wells, trenches, pipes and other structures that collect and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes which include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, collecting and draining liquids and gases beneath the ground surface.

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND WITHIN GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3 of the Groundwater Protection Act)

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to cutoff walls, slurry walls, grout curtains and liners.

"Inert waste" means any solid waste that will not

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decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with Section 811.202(b). Such inert wastes shall include only non-biodegradable, non-putrescible and non-watersoluble solid wastes. Inert wastes may include, but are not limited to, bricks, masonry and concrete (cured for 60 days or more).

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste which is compacted into a unit and over which cover is placed.

"Malodor" means an odor caused by ONE OR MORE CONTAMINANT EMISSIONS INTO THE ATMOSPHERE FROM A FACILITY THAT IS IN SUFFICIENT QUANTITIES AND OF SUCH CHARACTERISTICS AND DURATION AS TO BE DESCRIBED AS malodorous and which may be INJURIOUS TO HUMAN, PLANT, OR ANIMAL LIFE, TO HEALTH, OR TO PROPERTY, OR TO UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY. (Section 3.02 of the Act (defining "air pollution").)

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 U.S.C. 1251 et seq.), Section 12(f) of the

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Environmental Protection Act and 35 Ill. Adm. Code 309. Subpart A and 310.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that has not yet accepted any waste as of the effective date of this Part;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that has no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of the effective date of this Part; or

It is a landfill with a unit whose maximum design capacity or lateral extent is increased after the effective date of this Part.

"100 year flood plain" means any land area which is subject to a one percent or greater chance of flooding in a given year from any source.

"100 year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Perched aquifer" means a saturated lens that is bounded by an elevated water table resting on a low permeability layer in a high permeability formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"PERSON" IS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, POLITICAL SUBDIVISION, STATE AGENCY, OR ANY OTHER LEGAL ENTITY, OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 3.26 of the Act.)

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"Professional engineer" means a person who has registered and obtained a seal pursuant to "AN ACT to regulate the practice of Professional Engineering," (Ill. Rev. Stat 1987, ch. 111, par. 5101 et seq.).

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to "AN ACT to afford protection to the public by prescribing and regulating the practice of land surveying by registration." (Ill. Rev. Stat. 1987, ch. 111, par. 3201 et seq.)

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes which do not meet the definitions of inert or chemical wastes shall be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Responsible charge," when used to refer to a person, means that the person is normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of

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35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit which is not salvaging.

"Seismic Slope Safety Factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a 3 inch sieve.

"Significant Modification" means a modification to an approved permit that is required when one or more of the following changes, considered significant when the change is outside the expected operating range of values for that parameter of as specified in the permit, are planned, occur or will occur:

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An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate or final cover;

A decrease in performance, efficiency or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system, or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of postclosure financial assurance;

Any change in the permit boundary;

A change in the postclosure land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

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Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Sole source aquifer" means those aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974, (42 U.S.C 300h-3).

"Solid Waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE, POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS DETERMINED PURSUANT TO SECTION 22.9 OF THE ACT AND 35 Ill. Adm. Code 808. (Section 3.45 of the Act.)

"Static Safety Factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"25 year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 25 years.

"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution. A unit of local government may

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include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which noncontainerized masses of solid, non flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration shall include photographs, records or other observable or discernable information, maintained on a yearly basis, that show that the waste is being removed for utilization or that there is a plan for disposal elsewhere.

"Waste stabilization" means any chemical, physical or thermal treatment of waste, either alone or in combination with biological processes, which results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed.

"Zone of Attenuation" means the three dimensional region extending downward from the bottom of the wastes or from the ground surface, whichever is lower, to the bottom of the uppermost aquifer, and bounded by the smaller of the volumes resulting from vertical planes drawn at the property boundary or 100 feet from the edge of one or more adjacent units.

Section 810.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

40 CFR 141.40 (1988).

Accounting Standards, General Standards, 1988/89 Edition, as of June 1, 1988, available through the Financial Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116.

- b) This incorporation includes no later amendments or editions.

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- 1) The Heading of the Part: Standards For New Solid Waste Landfills

- 2) Code Citation: 35 Ill. Adm. Code 811

- 3) Section Number: Proposed Action:

811.101 New Section
811.102 New Section
811.103 New Section
811.104 New Section
811.105 New Section
811.106 New Section
811.107 New Section
811.108 New Section
811.109 New Section
811.110 New Section
811.111 New Section
811.201 New Section
811.202 New Section
811.203 New Section
811.204 New Section
811.205 New Section
811.301 New Section
811.302 New Section
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811.401 New Section

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811.402 New Section
811.403 New Section
811.404 New Section
811.405 New Section
811.406 New Section
811.501 New Section
811.502 New Section
811.503 New Section
811.504 New Section
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811.707 New Section
811.708 New Section
811.709 New Section
811.710 New Section
811.711 New Section
811.712 New Section
811.713 New Section
811.714 New Section
811.715 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1.

- 5) A Complete Description of the Subjects and Issues Involved:

The rules proposed today in Board Docket R88-7 are an amended version of landfill rules which were originally published for First Notice at 12 Ill. Reg. 7069 (April 22, 1988). Pursuant to Section 27 of the Environmental Protection Act, further action on these rules could not take place until the Department of Energy and Natural Resources had prepared and economic impact study, and the Board had held hearings concerning that study. The rules published

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today contain amendments in response to hearing testimony, public comments received between April, 1988 and January, 1990, as well as the results of a preliminary review by the Joint Committee on Administrative Rules.

It is not possible to include a "complete description of the subject and issues involved" in the Illinois Register; the Board and staff analysis of comments made since April, 1988 alone is in excess of 300 pages.

A complete description is contained in the Board's proposed March 1, 1990, Opinion in the Matter Of: Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, and accompanying technical document prepared by the Board's Scientific/Technical Section (STS). This R88-7 Opinion and the STS technical document are available from the address below. This Opinion explains the reasons for the Board's proposed amendments to existing Part 807, and proposed new Parts 810-815, all of which appear in this issue.

In summary, Part 811 applies to new landfills. It establishes standards for 1) location, design and operation, 2) identification and management of special waste, 3) construction quality assurance programs and 4) financial assurance for closure and post-closure care.

- 6)

Will this proposed rule replace an emergency rule currently in effect? No
- 7)

Does this rulemaking contain an automatic repeal date? No
- 8)

Does this proposed amendment contain incorporations by reference? No
- 9)

Are there any other amendments pending on this Part? No
- 10)

Statement of Statewide Policy Objective?

The proposed requirements could require a local government to modify its activities for the disposal of non-hazardous waste in landfills in such a way as to necessitate additional expenditures from local revenues. The policy objectives this proposal implements are contained in Sections 20(a)(2), 20(b) and 22(a),(c) and (f) of the Act.

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More specifically, the "upgrading [of] waste disposal practices" pursuant to Section 20(b) cannot be accomplished in the absence of these proposed "state of the art" regulations which will ultimately replace existing regulations adopted in the 1970's.

- 11)

Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- 12)

Initial Regulatory Flexibility Analysis (if applicable):
- Send written comments concerning R88-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- A)

Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs::

March 5, 1990

- B)

Types of small businesses affected:

The proposed rules may affect new and existing landfills which will be regulated by proposed Parts 810-815.

- C)

Reporting, bookkeeping or other procedures required for compliance:

Compliance may require a hydrogeologic investigation of a proposed new landfill site, preparation of a site design and operations plan, preparation of and recordkeeping concerning a construction quality assurance plan, groundwater monitoring, recordkeeping concerning the nature of any special wastes received at the site, preparation of a plan for closure and postclosure care and receipt of a financial assurance instrument to guarantee compliance with such plan.

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D) Types of professional skills necessary for compliance:

Compliance may require the services of an attorney, registered professional engineer, a professional land surveyor, a hydrologist, and a certified public accountant.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

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811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
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- 811.317 Groundwater Impact Assessment
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SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

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- 811.401 Scope and Applicability
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SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

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- 811.503 Inspection Activities
- 811.504 Sampling Requirements
- 811.505 Documentation
- 811.506 Foundations and Subbases
- 811.507 Compacted Earth Liners
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SUBPART G: FINANCIAL ASSURANCE

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- 811.700 Scope, Applicability and Definitions
- 811.701 Upgrading Financial Assurance
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- 811.709 Trust Fund for Unrelated Sites
- 811.710 Trust Fund
- 811.711 Surety Bond Guaranteeing Payment
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- Appendix A Financial Assurance Forms
- Illustration A Trust Agreement
- Illustration B Certificate of Acknowledgment
- Illustration C Forfeiture Bond
- Illustration D Performance Bond
- Illustration E Irrevocable Standby Letter of Credit
- Illustration F Certificate of Insurance for Closure and/or Postclosure Care
- Illustration G Operator's Bond Without Surety
- Illustration H Operator's Bond With Parent Surety
- Illustration I Letter from Chief Financial Officer

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1027 and 1028.1).

SOURCE: Adopted in R88-7 at 14 Ill. Reg. , effective

NOTE: Capitalization indicates statutory language.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section 811.101 Scope and Applicability

- a) The standards of this Part apply to all new landfills, except those regulated pursuant to 35 Ill. Adm. Code 700 through 749. Subpart A contains general standards applicable to all new landfills. Subpart B contains additional standards for new landfills which dispose of only inert wastes. Subpart C contains additional standards for new landfills which dispose of chemical and putrescible wastes.
- b) This Part shall not apply until two years after the effective date of this Part to new landfills solely receiving the following wastes generated by the following industries, provided that proposed regulations of general applicability to that industry category are filed with the Board no later than December 1, 1990: wastes generated by foundries and primary steel production facilities and coal combustion wastes generated by electric utilities.

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- c) All general provisions of 35 Ill. Adm. Code 810 apply to this Part.

Section 811.102 Location Standards

- a) The facility shall not invade or diminish the scenic, recreational and fish and wildlife values for any river designated for protection under the Wild and Scenic Rivers Act (16 USC 1271 et seq.).
- b) The facility shall not restrict the flow of a 100-year flood, result in washout of solid waste from the 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity.
- c) The facility shall not be located in areas where it may pose a threat of harm or destruction to the features for which an irreplaceable historic, or archaeological site was listed pursuant to the National Historic Preservation Act (16 USC 470 et seq.) or the Illinois Historic Preservation Act (Ill. Rev. Stat. 1987, ch. 127, par. 133d1 et seq.) for which a Natural Landmark was designated by the National Park Service or the Illinois State Historic Preservation Officer, or for which a natural area was designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1987, ch. 105 par. 701 et seq.).
- d) The facility shall not be located in areas where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat listed for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act 16 USC 1531 et seq., or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 et seq.).
- e) The facility shall not cause a violation of Section 404 of the Clean Water Act (33 USC 1251 et seq.).
- f) The facility shall not cause a nonpoint source of pollution that violates applicable legal requirements implementing an areawide or statewide water quality

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management plan that has been approved under Section 208 of the Clean Water Act (33 USC 1288).

Section 811.103 Surface Water Drainage

a) Runoff From Disturbed Areas

- 1) Runoff from disturbed areas resulting from precipitation events less than or equal to the 25-year, 24-hour precipitation event that is discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 304.
 - 2) All discharges of runoff from disturbed areas to waters of the State shall be permitted by the Agency in accordance with 35 Ill. Adm. Code 309.
 - 3) All treatment facilities shall be equipped with bypass outlets designed to pass the peak flow of runoff from the 100-year, 24-hour precipitation event without damage to the treatment facilities or surrounding structures.
 - 4) All surface water control structures shall be operated until the final cover is placed and erosion stability is provided by the vegetative or other cover meeting the requirements of Section 811.205 or 811.322.
 - 5) All discharge structures shall be designed to prevent erosion and scouring of the receiving stream channel.
- b) Diversion of Runoff From Undisturbed Areas.
- 1) Runoff from undisturbed areas shall be diverted around disturbed areas to the maximum practical extent.
 - 2) Diversion facilities shall be designed to prevent runoff from the 25-year, 24-hour precipitation event from entering disturbed areas.
 - 3) Runoff from undisturbed areas which becomes commingled with runoff from disturbed areas shall be handled as runoff from disturbed areas and treated in accordance with subsection (a).

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- 4) All diversion structures shall be designed to prevent erosion and scouring in the diversion channel and downstream channels.
- 5) All diversion structures shall be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover meeting the requirements of Section 811.205 or 811.322.

Section 811.104 Survey Controls

- a) The boundaries of all waste disposal units, property boundaries, disturbed areas, and the permit area for facilities subject to the requirements of Section 21 of the Environmental Protection Act (Act) shall be surveyed and marked by a professional land surveyor.
- b) All stakes and monuments shall be clearly marked for identification.
- c) All stakes and monuments shall be inspected annually and surveyed no less frequently than once in five years by a professional land surveyor, who shall also replace and resurvey any missing or damaged stakes and monuments discovered during an inspection.
- d) Control monuments shall be established to check vertical elevations. The control monuments shall be established and maintained by a professional land surveyor.

Section 811.105 Compaction

All waste shall be deposited at the lowest part of the active face, and compacted to the highest achievable density necessary to minimize void space and settlement unless precluded by extreme weather conditions.

Section 811.106 Daily Cover

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material shall be placed on all exposed waste by the end of each day of operation.
- b) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior

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performance to the requirements of subsection (a) in the following areas:

- 1) Prevention of blowing debris;
- 2) Minimization of access to the waste by vectors;
- 3) Minimization of the threat of fires at the open face; and
- 4) Minimization of odors.

Section 811.107 Operating Standards

a) Phasing of Operations

- 1) Waste shall be placed in a manner and at such a rate that mass stability is provided during all phases of operation.
- 2) The phasing of operations at the facility shall be designed in such a way as to allow the sequential construction, filling, and closure of discrete units or parts of units.
- 3) The operator shall dispose of wastes in a manner which will facilitate the filling to final grade and minimize the operational phase of each discrete unit or parts of units.

b) Size and Slope of Working Face

- 1) The working face of the unit shall be no larger than is necessary to conduct operations in a safe and efficient manner.
- 2) The slopes of the working face area shall be no steeper than two to one (horizontal to vertical) unless the waste is stable at steeper slopes.

c) Equipment

Equipment shall be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

d) Utilities

All utilities, including but not limited to heat, lights, power and communications equipment, necessary for safe operation in compliance with the requirements of this Part shall be available at the facility at all times.

- e) Maintenance
 The operator shall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.
- f) Open Burning
 Open burning is prohibited except in accordance with 35 Ill. Adm. Code 200 through 245.
- g) Dust Control
 The operator shall implement methods for controlling dust so as to prevent wind dispersal of particulate matter.
- h) Noise Control
 The facility shall be designed, constructed and maintained to minimize the level of equipment noise audible outside the facility. The facility shall not cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act.
- i) Vector Control
 The operator shall implement measures to control the population of disease and nuisance vectors.
- j) Fire Protection
 The operator shall institute fire protection measures including, but not limited to, maintaining a supply of water onsite and radio or telephone access to the nearest fire department.
- k) Litter Control

- 1) The operator shall patrol the facility daily to check for litter accumulation. All litter shall be collected and placed in the fill or in a secure, covered container for later disposal.
- 2) The facility shall not accept solid waste from vehicles that do not utilize devices such as covers or tarpaulins to control litter, unless the nature of the solid waste load is such that it cannot cause any litter during its transportation to the facility.
- 1) Mud Tracking
 The facility shall implement methods, such as use of wheel washing units, to prevent tracking of mud by hauling vehicles onto public roadways.

Section 811.108 Salvaging

- a) All salvaging operations shall in no way interfere with the operation of the waste disposal facility, result in a violation of any standard in this Part or of 35 Ill. Adm. Code 812 through 815, or delay the construction or interfere in the operation of the liner, leachate collection system, daily, intermediate or final cover and any monitoring devices.
- b) All salvaging operations shall be performed in a safe and sanitary manner in compliance with the requirements of this Part.
- c) Salvagable materials:
 - 1) May be accumulated onsite by a landfill operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and
 - 2) May not be accumulated onsite for longer than seven days, unless, pursuant to Section 39 of the Act, the Agency has issued a permit with alternative conditions for management of the waste in compliance with subsection (c)(1).

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Section 811.109 Boundary Control

- a) Access to the open face area of the unit and all other areas within the boundaries of the facility shall be restricted to prevent unauthorized entry at all times.
- b) A permanent sign shall be posted at the entrance to the facility stating that disposal of hazardous waste is prohibited and, if the landfill is approved for accepting special wastes, that special wastes must be permitted by the Agency and accompanied by a manifest and an identification record along with the following information:

- 1) Permit number, if the facility is subject to the permit requirements of Section 21 of the Act.
- 2) Hours of operation;
- 3) The penalty for unauthorized trespassing and dumping;
- 4) The name and telephone number of the appropriate emergency response agencies who shall be available to deal with emergencies and other problems, if different than the operator; and
- 5) The name, address and telephone number of the company operating the facility.

Section 811.110 Closure and Written Closure Plan

- a) The final slopes and contours shall be designed to complement and blend with the surrounding topography of the proposed final land use of the area.
- b) All drainage ways and swales shall be designed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.
- c) The final configuration of the facility shall be designed in a manner that minimizes the need for further maintenance.
- d) Written closure plan
 - 1) The operator shall maintain a written plan describing all actions that the operator will

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undertake to close the unit or facility in a manner that fulfills the provisions of the Act, of this Part and of other applicable Parts of 35 Ill. Adm. Code: Chapter I. The written closure plan shall fulfill the minimum information requirements of 35 Ill. Adm. Code 812.114.

- 2) A modification of the written closure plan shall constitute a significant modification of the permit for the purposes of 35 Ill. Adm. Code 813.Subpart B.

Section 811.111 Postclosure Maintenance

- a) The operator shall treat, remove from the site, or dispose of all wastes and waste residues within 30 days after receipt of the final volume of waste.
- b) The operator shall remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by permit.
- c) Maintenance and Inspection of the Final Cover and Vegetation
 - 1) Frequency of Inspections

- A) The operator shall conduct a quarterly inspection of all vegetated surfaces for a minimum of five years after closure, and after five years, the operator may reduce the frequency of annual inspections until settling has stopped and there are no eroded or scoured areas.
- B) For landfills, other than those used exclusively for disposing waste generated at the site, inspections shall be continued for a minimum period of 15 years after closure.
- 2) All rills, gullies and crevices identified in the inspection shall be filled. Areas particularly susceptible to erosion shall be recontoured.
- 3) All eroded and scoured drainage channels shall be repaired and lined material shall be replaced if necessary.

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- 4) All holes and depressions created by settling shall be filled and recontoured so as to prevent standing water.
- 5) All reworked surfaces and areas with failed or eroded vegetation shall be revegetated.

SUBPART B: INERT WASTE LANDFILLS

Section 811.201 Scope and Applicability

The standards of this Subpart, in addition to the requirements of Subpart A, shall apply to all new landfills in which only inert waste is to be placed.

Section 811.202 Determination of Contaminated Leachate

- a) Leachate shall be considered contaminated if it contains concentrations of constituents greater than the standards for public water supplies in 35 Ill. Adm. Code 302.301, 302.304, and 302.305.
- b) A representative sample of leachate extracted from the waste by a laboratory procedure may be used to model the expected constituents and concentrations of the leachate. The laboratory test shall meet the following standards:
 - 1) The procedure shall be designed to closely reproduce expected field conditions; and
 - 2) The test shall utilize an extraction fluid resembling the liquid expected to infiltrate through the waste.
- c) Actual samples of leachate from an existing solid waste disposal unit or a test fill may be utilized under the following conditions:
 - 1) The waste in the existing unit is similar to the waste expected to be disposed;
 - 2) The conditions under which the leachate was formed are similar to those expected to be encountered; and

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- 3) Leachate is sampled so as to be representative of undiluted and unattenuated leachate emanating from the unit.

Section 811.203 Design Period

The design period for all inert waste disposal units shall be the estimated operating life of the unit plus a minimum postclosure care period of five years. For landfills, other than those used exclusively for disposing waste generated at the site, the minimum postclosure care period, for the purposes of monitoring settling at the site, shall be 15 years.

Section 811.204 Final Cover

A minimum of 0.91 meter (three feet) of soil material of a quality sufficient to support vegetation and which prevents or minimizes erosion shall be applied over all disturbed areas. Where no vegetation is required for the intended postclosure land use, the requirements of Section 811.205(b) will not apply; however, the final surface shall still be designed to prevent or minimize erosion.

Section 811.205 Final Slope and Stabilization

- a) The waste disposal unit shall be designed and constructed to achieve a minimum static slope safety factor of 1.5 and a minimum seismic safety factor of 1.3.
- b) Standards for Vegetation
 - 1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion;
 - 2) Vegetation shall be compatible with the climatic conditions;
 - 3) Vegetation shall require little maintenance;
 - 4) Vegetation shall consist of a diverse mix of native and introduced species consistent with the postclosure land use; and
 - 5) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemi-

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cal soil stabilizers, shall be undertaken while vegetation is being established.

- c) The landfill site shall be monitored for settling for a minimum period of 15 years after closure as specified in Section 811.203 in order to meet the requirements of this Section.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.301 Scope and Applicability

In addition to the requirements of subpart A, the standards of this Subpart apply to all landfills in which chemical and putrescible wastes are to be placed.

Section 811.302 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act;
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of a sole-source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of the Safe Drinking Water Act (42 USC 300f et seq.) unless there is a stratum between the bottom of the waste disposal unit and the top of the aquifer that meets the following minimum requirements:
- 1) The stratum has a minimum thickness of 15.2 meters (50 feet);
 - 2) The maximum hydraulic conductivity in both the horizontal and vertical directions is no greater than 1×10^{-7} centimeters per second, as determined by in situ borehole or equivalent tests;
 - 3) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths for migration; and
 - 4) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward

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through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years.

- c) A facility located within 152 meters (500 feet) of the right of way of a township or county road or state or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades, or plants no less than 2.44 meters (8 feet) in height.
- d) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school, or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school, or hospital provides permission to the operator, in writing, for a closer distance.
- e) The facility shall not be located closer than 1525 meters (5000 feet) of any runway used by piston type aircraft or within 3050 meters (10,000 feet) of any runway used by turbojet aircraft unless the Federal Aviation Administration provides the operator with written permission, including technical justification, for a closer distance.

Section 811.303 Design Period

- a) The design period for putrescible and chemical waste disposal units shall be the estimated operating life plus 30 years unless measures are undertaken in compliance with subsections (b) and (c) to encourage stabilization of putrescible waste.
- b) The design period for a disposal unit which accepts only putrescible waste in shredded form shall be the estimated operating life plus 20 years.
- c) The design period for a putrescible waste disposal unit that recycles leachate in accordance with Section 811.309(f) shall be the estimated operating life plus 20 years.

Section 811.304 Foundation and Mass Stability Analysis

- a) The material beneath the unit shall have sufficient strength to support the weight of the unit during all

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phases of construction and operation. The loads and loading rate shall not cause or contribute to the failure of the liner leachate collection system.

- b) The total settlement or swell of the foundation shall not cause or contribute to the failure of the liner leachate collection system.
- c) The solid waste disposal unit shall achieve a safety factor against bearing capacity failure of 2.0 under static conditions and 1.5 under seismic loadings.
- d) The waste disposal unit shall achieve a factor of safety against slope failure of 1.5 for static conditions and 1.3 under seismic conditions.
- e) In calculating factors of safety both long term and short term conditions shall be considered.
- f) The potential for earthquake or blast induced liquefaction, and its effect on the stability and integrity of the unit shall be considered and taken into account in the design. The potential for landslides or earthquake induced liquefaction outside the unit shall be considered if such events could affect the unit.

Section 811.305

Foundation Construction

- a) If the in situ material provides insufficient strength to meet the requirements of Section 811.304, then the insufficient material shall be removed and replaced with clean materials sufficient to meet the requirements of Section 811.304.
- b) All trees, stumps, roots, boulders and debris shall be removed.
- c) All material shall be compacted to achieve the strength and density properties necessary to demonstrate compliance with this Part in conformance with a construction quality assurance plan pursuant to Subpart E.
- d) Placement of frozen soil or soil onto frozen ground is prohibited.
- e) The foundation shall be constructed and graded to provide a smooth, workable surface on which to construct the liner.

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Section 811.306

Liner Systems

- a) All units shall be equipped with a leachate drainage and collection system and a compacted earth liner designed as an integrated system in compliance with the requirements of this Section and of Sections 811.307 and 811.308.
- b) The liner and leachate collection system shall be stable during all phases of construction and operation. The side slopes shall achieve a minimum static safety factor of 1.3 and a minimum seismic safety factor of 1.0 at all times.
- c) The liner shall be designed to function for the entire design period.
- d) Compacted Earth Liner Standards
 - 1) The minimum allowable thickness shall be 0.91 meter (3 feet).
 - 2) The liner shall be compacted to achieve a maximum hydraulic conductivity of 1×10^{-7} centimeters per second.
 - 3) The liner shall be compacted to minimize void spaces and support the loadings imposed by the waste disposal operation without settling so as to cause or contribute to the failure of the leachate collection system.
 - 4) The liner shall be constructed from materials compatible with the constituents of the leachate expected to be produced.
 - 5) Alternative specifications, using standard construction techniques, for hydraulic conductivity and liner thickness may be utilized, provided that:
 - A) In no case shall the liner thickness be less than 0.91 meter (3 feet); and
 - B) The modified liner shall operate in conjunction with a leachate drainage and collection

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system to achieve equivalent or superior performance to the requirements of this subsection. Equivalent performance shall be evaluated at maximum annual leachate flow conditions.

e) Geomembrane Liners

- 1) Geomembranes may be used only in conjunction with a compacted earth liner system meeting the requirements of Section 811.306(d) and a leachate drainage and collection system meeting the requirements of Sections 811.307 and 811.308.
- 2) The geomembrane shall be supported by a compacted base free from sharp objects. The geomembrane shall be chemically compatible with the supporting soil materials.
- 3) The geomembrane material shall be compatible with the leachate expected to be generated.
- 4) Geomembranes shall have sufficient strength and durability to function at the site for the design period under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction and operation.
- 5) Seams shall be made in the field according to the manufacturer's specifications. All sections shall be arranged so that the use of field seams is minimized and seams are oriented in the direction subject to the least amount of stress.
- 6) The leachate collection system shall be designed to avoid, to the maximum extent possible, openings through the geomembrane.

f) Slurry Trenches and Cutoff Walls Used to Prevent Migration of Leachate

- 1) Slurry trenches and cutoff walls built to contain leachate migration shall be used only in conjunction with a compacted earth liner and a leachate drainage system meeting the requirements of Sections 811.306(d) and 811.307 or as part of a remedial action required by Section 811.319.

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- 2) Slurry trenches and cutoff walls shall extend into the bottom confining layer to a depth that will establish and maintain a continuous hydraulic connection and prevent seepage.

- 3) Exploration borings shall be drilled along the route of the slurry trench or cutoff wall to confirm the depth to the confining layer. In situ tests shall be conducted to determine the hydraulic conductivity of the confining layer.

- 4) Slurry trenches and cutoff walls shall be stable under all conditions during the design period of the facility. They shall not be susceptible to displacement or erosion under stress or hydraulic gradient.

- 5) Slurry trenches and cutoff walls shall be constructed in conformance to a construction quality assurance plan, pursuant to Subpart E, that insures that all material and construction methods meet design specifications.

- g) Liner configurations other than those specified in this Section, special construction techniques, and admixtures may be utilized, provided that:

- 1) The alternative technology or material provides equivalent, or superior, performance to the requirements of this Section;
- 2) The technology or material has been successfully utilized in at least one application similar to the proposed application; and
- 3) Methods for manufacturing quality control and construction quality assurance can be implemented.

Section 811.307 Leachate Drainage System

- a) The leachate drainage system shall be designed and constructed to operate for the entire design period.
- b) The system shall be designed in conjunction with the leachate collection system required by Section 811.308:

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- 1) To maintain a maximum head of leachate 0.30 meter (one foot) above the liner and
- 2) To operate during the month when the highest average monthly precipitation occurs and if the liner bottom is located within the saturated zone, under the condition that the groundwater table is at its seasonal high level. In addition, the following design assumptions shall apply:

A) The unit is assumed to be at field capacity, and

B) The final cover is in place.

C) A drainage layer shall overlay the entire liner system. This drainage layer shall be no less than 0.30 meter (one foot) thick and shall have a hydraulic conductivity equal to or greater than 1×10^{-3} centimeters per second.

D) The drainage layer shall be designed to maintain laminar flow throughout the drainage layer under the conditions described in subsection (b).

E) The drainage layer shall be designed with a graded filter or geotextile as necessary to minimize clogging and prevent intrusion of fine material.

F) Materials used in the leachate collection system shall be chemically resistant to the wastes and the leachate expected to be produced.

Section 811.308 Leachate Collection System

a) The leachate collection system shall be designed and constructed to function for the entire design period.

b) Collection pipes shall be designed for open channel flow to convey leachate under the conditions established in Section 811.307(b).

c) Collection pipes shall be of a cross sectional area that allows cleaning.

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d) Materials used in the leachate collection system shall be chemically resistant to the leachate expected to be produced.

e) The collection pipe material and bedding materials as placed shall possess structural strength to support the maximum loads imposed by the overlying materials and equipment used at the facility.

f) Collection pipes shall be constructed within a coarse gravel envelope using a graded filter or geotextile as necessary to minimize clogging.

g) The system shall be equipped with a sufficient number of manholes and cleanout risers to allow cleaning and maintenance of all pipes throughout the design period.

h) Leachate shall be able to drain freely from the collection pipes. If sumps are used then pumps shall remove the collected leachate before the level of leachate in the sumps rises above the invert of the collection pipes under the conditions established in Section 811.307(b).

Section 811.309 Leachate Treatment and Disposal System

a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage, treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.

b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.

c) Standards for Onsite Treatment and Pretreatment

1) All onsite treatment or pretreatment systems shall be considered part of the facility.

2) The onsite treatment or pretreatment system shall be designed in accordance with the expected char-

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acteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.

- 3) The onsite treatment or pretreatment system shall be designed to function for the entire design period.
- 4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.
- 5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.
- 6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.

d) Standards for Leachate Storage Systems

- 1) The leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate, during extreme precipitation conditions, is available at any time during the design period of the facility.
- 2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10⁻⁷ centimeters per second.
- 3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.
- 4) The leachate storage system shall not cause or contribute to a malodor.

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e) Standards for Discharge to an Offsite Treatment Works

- 1) Leachate may be discharged to an offsite treatment works that meets the following requirements:

- A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.
- B) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
- C) No more than 50 percent of the average daily influent flow can be attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.

- 2) The operator is responsible for securing permission from the offsite treatment works for authority to discharge to the treatment works.

- 3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.

- 4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.

- 5) Leachate shall be allowed to flow into the sewage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).

f) Standards for Leachate Recycling Systems

- 1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:

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- A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.
- B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.
- C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to control odors and prevent migration of methane in accordance with Section 811.311.
- D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.
- 2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.
- 3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.
- 4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.
- 5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.
- 6) Daily and intermediate cover shall be permeable to the extent necessary to prevent perched water conditions and gas buildup, or cover shall be removed prior to additional waste placement.
- 7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.

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- g) Leachate Monitoring
 - 1) Representative samples of leachate shall be collected from each unit at a frequency of once per quarter while the leachate management system is in operation.
 - 2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to treatment or pretreatment:
 - A) Five day biochemical oxygen demand (BOD₅);
 - B) Chemical oxygen demand;
 - C) Total Suspended Solids;
 - D) Total Iron;
 - E) pH;
 - F) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and
 - G) All of the indicator constituents used by the operator for groundwater monitoring.
 - 3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:
 - A) pH;
 - B) Total Dissolved Solids;
 - C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

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- D) All of the indicator constituents used by the operator for groundwater monitoring.

g) Time of Operation of the Leachate Management System

- 1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.
- 2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD_5 concentration greater than 30 mg/L for six consecutive months.

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.

b) Location and Design of Monitoring Wells

- 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
- 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
- 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
- 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
- 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.

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- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
- 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
- 8) At least three ambient air monitors shall be located no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
- 4) After a minimum of five years or, in the case of landfills, other than those used exclusively for disposing of wastes generated at the site, a minimum of fifteen years after closure, monitoring shall be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).

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d) Parameters to be Monitored

- 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen;
- E) Carbon dioxide; and

F) Any compound on the list of air toxics, adopted by the Board pursuant to Section 9.5 of the Act, which is expected to be produced in the landfill unit.

- 2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at the most likely points for methane to enter.

Section 811.311 Landfill Gas Management System

- a) The operator shall install a gas management system if any one of the following conditions are met:

- 1) A methane concentration greater than 50 percent of the lower explosive limit in air, attributable to the unit, is detected below the ground surface by an ambient air monitor or a monitoring device which is located at or beyond outside the property boundary or 30.5 meters (100 feet) from the edge of the unit, whichever is less;

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- 2) Methane attributable to the unit is detected at a concentration greater than 25 percent of the lower explosive limit in air in any building on or near the facility;

- 3) Malodors caused by the unit are detected beyond the property boundary; or

- 4) Leachate is recycled in accordance with Section 811.309(e).

b) Standards for Gas Venting System

- 1) Gas venting systems shall be utilized only as optional, temporary mitigation until the completion of an active system.

- 2) All materials shall be resistant to chemical reaction with the constituents of the gas.

- 3) The system shall be capable of venting all gas down to the water table or bottom of the liner, whichever is higher.

- 4) Gas venting systems shall be installed only outside the perimeter of the unit.

c) Standards for Gas Collection Systems

- 1) Gas collection systems may be installed either within the perimeter of the unit or outside the unit.

- 2) The operator shall design and operate the system so that the standards of subsections (a)(1), (a)(2), and (a)(3) will not be exceeded.

- 3) The gas collection system shall transport gas to a central point or points for processing for beneficial uses or disposal in accordance with the requirements of Section 811.312.

- 4) The gas collection system shall be designed to function for the entire design period. The design may include changes in the system to accommodate changing gas flow rates or compositions.

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- 5) All materials and equipment used in construction of the system shall be rated by the manufacturer as safe for use in hazardous or explosive environments and shall be resistant to corrosion by constituents of the landfill gas.
 - 6) The gas collection system shall be designed and constructed to withstand all landfill operating conditions, including settlement.
 - 7) The gas collection system and all associated equipment including compressors, flares, monitoring installations, and manholes shall be considered part of the facility.
 - 8) Provisions shall be made for collecting and draining gas condensate to a management system meeting the requirements of Section 811.309.
 - 9) Under no circumstances shall the gas collection system compromise the integrity of the liner, leachate collection or cover systems.
 - 10) The gas collection system shall be tested to be airtight to prevent the leaking of gas from the collection system or air into the system.
 - 11) The gas collection system shall be operated until the waste has stabilized enough to no longer produce methane in quantities that exceed the minimum allowable concentrations in subsections (a)(1), (a)(2), and (a)(3).
 - 12) The gas collection system shall be equipped with a mechanical device, such as a compressor, capable of withdrawing gas, or be designed so that a mechanical device can be easily installed at a later time, if necessary, to meet the requirements of subsections (a)(1), (a)(2), and (a)(3).
- Section 811.312 Landfill Gas Processing and Disposal System
- a) The processing of landfill gas for use is strongly encouraged but is not required.
 - b) Except as allowed in subsection (g), the landfill gas processing and disposal system, including compressors, blowers, raw gas monitoring systems, devices used to

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control the flow of gas from the unit, flares, gas treatment devices, air pollution control devices and monitoring equipment must remain under the control of the operator and shall be considered part of the waste disposal facility.

- c) No gas may be discharged directly to the atmosphere. Gas shall be treated or burned onsite prior to discharge in accordance with a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245.
- d) Representative flow rate measurements shall be made of gas flow into treatment or combustion devices.
- e) When used for the onsite combustion of landfill gas, flares shall meet the general control device requirements of 35 Ill. Adm. Code 230.110.
- f) Standards for Onsite Combustion of Landfill Gas Using Devices Other Than Flares
 - 1) At a minimum, landfill gas shall be measured for flow rate, heat value, and moisture content along with combustion parameters including, but not limited to, oxygen and carbon dioxide prior to treatment or combustion. Constituents of the landfill gas and combustion byproducts shall be identified for inclusion in an Agency issued permit based on the type of waste streams that are or will be in the landfill, landfill gas analysis and potential for being emitted into the air after treatment or combustion.
 - 2) All constituents and parameters that must be measured before and after treatment or combustion shall be identified and included in the permit. At a minimum, the following types of constituents must be considered for inclusion in the permit:
 - A) The six criteria air pollutants and the hazardous air pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.);
 - B) Any list of toxic air contaminants, including carcinogens, mutagens and listed hazardous air pollutants adopted by the Board pursuant to Section 9.5 of the Act;

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- C) Volatile Organic Compounds;
- D) Constituents present in the landfill gas; and
- E) Combustion byproducts expected to be emitted from the combustion or treatment device.

g) Landfill gas may be transported offsite to a gas processing facility in accordance with the following requirements:

- 1) The solid waste disposal facility contributes less than 50 percent of the total volume of gas accepted by the gas processing facility. Otherwise, the processing facility must be considered a part of the solid waste management facility.
- 2) The landfill gas shall be monitored for the parameters listed in subsection (d)(1) as well as other constituents such as, ammonia (NH_3), hydrogen sulfide (H_2S) and hydrogen (H_2) that are needed to operate the gas processing facility.
- 3) The gas processing facility is be sized to handle the expected volume of gas.
- 4) The transportation of gas to an offsite gas processing facility shall in no way relieve the operator of the requirements of Section 811.311(a).

Section 811.313 Intermediate Cover

- a) All waste which is not to be covered within 60 days of placement by another lift of waste or final cover in accordance with Section 811.314 shall have a cover equivalent to that provided by 0.30 meter (1 foot) of compacted clean soil material.
- b) All areas with intermediate cover shall be graded so as to facilitate drainage of runoff and minimize infiltration and standing water.
- c) The grade and thickness of intermediate cover shall be maintained until the placement of additional wastes or the final cover. All cracks, rills, gullies and

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depressions shall be repaired to prevent access to the solid waste by vectors, to minimize infiltration and to prevent standing water.

Section 811.314 Final Cover System

- a) The unit shall be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section.
- b) Standards For The Low Permeability Layer
 - 1) Not later than 60 days after placement of the final lift of solid waste, a low permeability layer shall be constructed.
 - 2) The low permeability layer shall cover the entire unit and connect with the liner system.
 - 3) The low permeability layer shall consist of any one of the following:
 - A) A compacted earth layer constructed in accordance with the following standards:
 - i) The minimum allowable thickness shall be 0.91 meter (3 feet);
 - ii) The layer shall be compacted to achieve a permeability of 1×10^{-7} centimeters per second and minimize void spaces.
 - iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii).

- B) A geomembrane constructed in accordance with the following standards:
 - i) The geomembrane shall provide performance equal or superior to the compacted

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earth layer described in subsection (b) (3) (A).

- ii) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process.
 - iii) The geomembrane shall be placed over a prepared base free from sharp objects and other materials which may cause damage.
- C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection.

c) Standards For The Final Protective Layer

- 1) The final protective layer shall cover the entire low permeability layer.
- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.91 meter (3 feet).
- 3) The final protective layer shall consist of soil material capable of supporting vegetation.
- 4) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

Section 811.315 Hydrogeologic Site Investigations

a) Purpose

The operator shall conduct a hydrogeologic investigation to develop hydrogeologic information for the following uses:

- 1) Provide information to perform a groundwater impact assessment; and

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- 2) Provide information to establish a groundwater monitoring system.

b) General Requirements

- 1) The investigation shall be conducted in a minimum of three phases prior to any disposal related disturbance.
- 2) The study area shall consist of the entire area occupied by the facility and any adjacent related areas, to the extent necessary to characterize the hydrogeology.
- 3) All borings shall be sampled continuously at all recognizable points of geologic variation, except that where continuous sampling is impossible or where non-continuous sampling can provide equivalent information, samples shall be obtained at intervals no greater than 1.52 meters (five feet) in homogeneous strata.

c) Minimum Requirements For A Phase I Investigation

- 1) The operator shall conduct a Phase I Investigation to develop the following information:
 - A) Climatic aspects of the study area;
 - B) The regional and study area geologic setting, including a description of the geomorphology and stratigraphy of the area;
 - C) The regional groundwater regime including water table depths and aquifer characteristics; and
 - D) Information for the purpose of designing a Phase II Hydrogeologic Investigation.

2) Specific Requirements

- A) The regional hydrogeologic setting of the unit shall be established by using material available from all possible sources, including, but not limited to, the Illinois Scientific Surveys, the Agency, other State

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and Federal organizations, water well drilling logs, and previous investigations.

- B) A minimum of one continuously sampled boring shall be drilled on the site, as close as feasible to the geographic center, to determine if the available regional hydrogeologic setting information is accurate and to characterize the site-specific hydrogeology to the extent specified by this phase of the investigation. The boring shall extend at least 15.2 meters (50 feet) below the bottom of the uppermost aquifer or through the full depth of the confining layer below the uppermost aquifer, or to bedrock whichever elevation is higher. The locations of any additional borings, required under this subsection, may be chosen by the investigator, but shall be sampled continuously.

d) Minimum Requirements For A Phase II Investigation

1) Information to be developed

Using the information developed in the Phase I survey, a Phase II study shall be conducted to collect the site-specific information listed below as needed to augment data collected during the Phase I investigation and to prepare for the Phase III investigation:

- A) Structural characteristics and distribution of underlying strata including bedrock;
- B) Chemical and physical properties including, but not limited to, lithology, mineralogy, and hydraulic characteristics of underlying strata including those below the uppermost aquifer;
- C) Soil characteristics, including soil types, distribution, geochemical and geophysical characteristics;
- D) The hydraulic conductivities of the uppermost aquifer and all strata above it;

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- E) The vertical extent of the uppermost aquifer;
- F) The direction and rate of groundwater flow.

2) Specific Requirements

- A) One boring shall be located as close as feasible to the topographical high point, and another shall be located as close as feasible to the topographical low point of the study area.
 - B) At least one boring shall be at or near each corner of the site. Where the property is irregularly shaped the borings shall be located near the boundary in a pattern and spacing necessary to obtain data over the entire study area.
 - C) Additional borings may be located at intermediate points at locations and spacings necessary to establish the continuity of the stratigraphic units.
 - D) Piezometers and groundwater monitoring wells shall be established to determine the direction and flow characteristics of the groundwater in all strata and extending down to the bottom of the uppermost aquifer. Groundwater samples taken from such monitoring wells shall be used to develop preliminary information needed for establishing background concentrations in accordance with subsection (e)(1)(G).
 - E) Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only as a supplement to, not in lieu of, site-specific boring information. Other methods include, but are not limited to, geophysical well logs, geophysical surveys, aerial photography, age dating, and test pits.
- e) Minimum Standards For A Phase III Investigation
- 1) Using the information developed during the Phase I and Phase II Investigations, the operator shall

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conduct a Phase III Investigation. This investigation shall be conducted to collect or augment the site-specific information needed to carry out the following:

- A) Verification and reconciliation of the information collected in the Phase I and II investigations;
- B) Characterization of potential pathways for contaminant migration;
- C) Correlation of stratigraphic units between borings.
- D) Continuity of petrographic features including, but not limited to, sorting, grain size distribution, cementation and hydraulic conductivity.
- E) Identification of zones of potentially high hydraulic conductivity.
- F) Identification of the confining layer, if present;
- G) Concentrations of chemical constituents present in the groundwater below the unit, down to the bottom of the uppermost aquifer, using a broad range of chemical analysis and detection procedures such as, gas chromatographic and mass spectrometric scanning. However, additional measurements and procedures shall be carried out to establish background concentrations, in accordance with Section 811.320(d), for:
 - i) Any constituent for which there is a public or food processing water supply standard at 35 Ill. Adm. Code 302 established by the Board and which is expected to appear in the leachate; and
 - ii) Any other constituent for which there is no Board-established standard, but which is expected to appear in the leachate at concentrations above PQL, as defined in

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Section 811.319(a)(4) for that constituent.

- H) Characterization of the seasonal and temporal, naturally and artificially induced, variations in groundwater quality and groundwater flow.
 - I) Identification of unusual or unpredicted geologic features, including: fault zones, fracture traces, facies changes, solution channels, buried stream deposits, cross cutting structures and other geologic features that may affect the ability of the operator to monitor the groundwater or predict the impact of the disposal facility on groundwater.
- 2) Specific Requirements
- In addition to the specific requirements applicable to Phase I and II investigations, the operator shall collect information in accordance with the following:
- A) New boring shall be located at intermediate points between boring holes located as part of any (preliminary), Phase I and Phase II investigations and in other areas identified in the Phase I or Phase II studies to characterize the study area.
 - B) At least one test pit shall be excavated to the same elevation as the bottom of the proposed liner within the area of each unit.
 - C) All borings in the Phase II study shall be sampled at all recognized points of geologic variation and at least every 1.52 meters (five feet) on homogenous strata.
 - f) The operator may conduct the hydrogeologic investigation in any number of alternative phases provided that the necessary information is collected in a systematic sequence that is equal to or superior to the investigation procedures of this Section.

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Section 811.316 Plugging and Sealing of Drill Holes

All drill holes, including exploration borings that are not converted into monitoring wells, monitoring wells that are no longer necessary to the operation of the site, and other holes that may cause or facilitate contamination of groundwater shall be sealed in accordance with the following standards:

- a) If not sealed or plugged immediately, the drill hole shall be covered to prevent injury to people or animals.
- b) All drill holes no longer intended for use shall be backfilled with materials that are compatible with the geochemistry of the site and with the leachate in sufficient quantities and in such a way as to prevent the creation of a pathway for contaminants to migrate.
- c) For drill holes in gravels and other permeable strata where a watertight seal is not necessary to prevent the creation of a pathway, drill cuttings and other earthen materials may be utilized as backfill.
- d) All excess drilling mud, oil, drill cuttings, and any other contaminated materials uncovered during or created by drilling shall be disposed of in accordance with the requirements of 35 Ill. Adm. Code 700 through 749, 807 and 809 through 815.
- e) The operator shall restore the area around the drill hole to its original condition.

Section 811.317 Groundwater Impact Assessment

The impacts of the seepage of leachate from the unit shall be assessed in a systematic fashion using the techniques described in this Section.

- a) Procedures for Performing the Groundwater Impact Assessment
 - 1) The operator shall estimate the amount of seepage from the unit during operations which assume:
 - A) That the minimum standards for slope configuration, cover design, liner design and leachate collection system design and operation apply, and

- B) That the actual design standards planned for the unit apply. Other designs for the unit may be used if determined by the operator to be appropriate to demonstrate the impacts to groundwater, pursuant to subsection (b).

- 2) The concentration of constituents in the leachate shall be determined from actual leachate samples from the waste or similar waste, or laboratory derived extracts.
- 3) A contaminant transport model meeting the standards of subsection (c) shall be utilized to estimate the concentrations of the leachate constituents over time and space. The Agency must review a groundwater contaminant transport model for acceptance in accordance with 35 Ill. Adm Code 813.111.
- b) Acceptable Groundwater Impact Assessment

The contaminant transport model results shall be used in the assessment of the groundwater impact. The groundwater impact shall be considered acceptable if the operator predicts that the concentrations of all constituents of the leachate outside the zone of attenuation are less than the applicable water quality standard, as determined in Section 811.320, within 100 years of closure of the unit.
- c) Standards for the Contaminant Transport Model
 - 1) The model shall have supporting documentation that establishes its ability to represent groundwater flow and contaminant transport and any history of its previous applications.
 - 2) The set of equations representing groundwater movement and contaminant transport must be theoretically sound and well documented.
 - 3) The numerical solution methods must be based upon sound mathematical principles and be supported by verification and checking techniques.
 - 4) The model must be calibrated against site specific field data developed pursuant to this Part.

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- 5) A sensitivity analysis shall be conducted to measure the model's response to changes in the values assigned to major parameters, specified error tolerances, and numerically assigned space and time discretizations.
- 6) Mass balance calculations on selected elements in the model shall be performed to verify physical validity. Where the model does not prescribe the amount of mass entering the system as a boundary condition, this step may be ignored.
- 7) The values of the model's parameters requiring site specific data shall be based upon actual field or laboratory measurements.
- 8) The values of the model's parameters which do not require site specific data shall be supported by laboratory test results or equivalent methods documenting the validity of the chosen parametric values.

Section 811.318

Design, Construction and Operation of
Groundwater Monitoring Systems

- a) All potential sources of discharges to groundwater within the facility, including, but not limited to, all waste disposal units and the leachate management system, shall be identified and studied through a network of monitoring wells operated during the active life of the unit and for the time after closure specified in accordance with Section 811.319. Monitoring wells designed and constructed as part of the monitoring network shall be maintained along with records that include, but are not limited to, exact well location, well size, type of well, the design and construction practice used in its installation and well and screen depths.
- b) Standards for the Location of Monitoring Points
 - 1) A network of monitoring points shall be established at sufficient locations downgradient with respect to groundwater flow and not excluding the downward direction, to detect any discharge of contaminants from any part of a potential source of discharge.

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- 2) Monitoring wells shall be located in stratigraphic horizons that could serve as contaminant migration pathways.
- 3) Monitoring wells shall be established as close to the potential source of discharge as possible without interfering with the waste disposal operations, and within half the distance from the edge of the potential source of discharge to the edge of the zone of attenuation downgradient, with respect to groundwater flow, from the source.
- 4) The network of monitoring points of several potential sources of discharge within a single facility may be combined into a single monitoring network, provided that discharges from any part of all potential sources can be detected.
- 5) A minimum of at least one monitoring well shall be established at the edge of the zone of attenuation and shall be located downgradient with respect to groundwater flow and not excluding the downward direction, from the unit. Such well or wells shall be used to monitor any statistically significant increase in the concentration of any constituent, in accordance with Section 811.320(e). Such an observed increase above the applicable groundwater quality standards of Section 811.320 in a well located at the compliance boundary shall constitute a violation of a groundwater quality standard.
- c) Maximum Allowable Predicted Concentrations

The operator shall use the same calculation methods, data, and assumptions as used in the groundwater impact assessment to predict the concentration over time and space of all constituents chosen to be monitored in accordance with Section 811.319 at all monitoring points. The predicted values shall be used to establish the maximum predicted allowable concentrations (MPAC) at each monitoring point. The MPACs calculated in this subsection shall be applicable within the zone of attenuation.
- d) Standards for Monitoring Well Design and Construction

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- 1) All monitoring wells shall be cased in a manner that maintains the integrity of the bore hole. The casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used.
- 2) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with gravel sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.
- 3) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as a cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level.
- 4) The annular space shall be backfilled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away.
- 5) The annular space between the upper and lower seals and in the unsaturated zone may be backfilled with uncontaminated cuttings.
- 6) All wells shall be covered with vented caps and equipped with devices to protect against tampering and damage.
- 7) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.
- 8) The transmissivity of the zone surrounding all well screens shall be established by field testing techniques.

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- 9) Other sampling methods and well construction techniques may be utilized if they provide equal or superior performance to the requirements of this subsection.
- e) Standards for Sample Collection and Analysis
 - 1) The groundwater monitoring program shall include consistent sampling and analysis procedures to assure that monitoring results will provide a reliable indication of groundwater quality in the zone being monitored.
 - 2) The operator shall utilize procedures and techniques to insure that collected samples are representative of the zone being monitored and that prevent cross contamination of samples from other monitoring wells or from other samples. At least 95 percent of a collected sample shall consist of groundwater from the zone being monitored.
 - 3) The operator shall establish a quality assurance program that provides quantitative detection limits and the degree of error for analysis of each chemical constituent.
 - 4) The operator shall establish a sample preservation and shipment procedure that maintains the reliability of the sample collected for analysis.
 - 5) The operator shall institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.
 - 6) At a minimum, the operator shall sample the following parameters at all wells at the time of sample collection and immediately before filtering and preserving samples for shipment:
 - A) The elevation of the water table
 - B) The depth of the well below ground
 - C) pH
 - D) The temperature of the sample

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E) Specific Conductance

Section 811.319 Groundwater Monitoring Programs

a) Detection Monitoring Program

The operator shall implement a detection monitoring program in accordance with the following requirements:

1) Monitoring Schedule and Frequency

- A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of fifteen years after closure. The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), throughout the time the source constitutes a threat of groundwater contamination. The source shall be considered a threat to groundwater, if either of the following occur:

- i) the results of the monitoring indicate that the concentrations of any of the constituents monitored within the zone of attenuation are above the maximum allowable predicted concentration for that constituent; or
 - ii) the concentration of any constituent monitored at or beyond the zone of attenuation is above background or greater than 50 percent of any Board established standard in Section 811.320 that is applicable.
- B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat of contamination, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the

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following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

- i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or
 - ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.
 - iii) Monitoring shall return to a quarterly schedule at any well where a statistically significant increase in the concentration of any constituent greater than the previous sample is observed.
- C) Monitoring shall be continued for a minimum period of five years after closure or, in the case of landfills, other than those used exclusively for disposing waste generated at the site, a minimum period of fifteen years after closure. Monitoring, beyond the minimum period, may be discontinued under the following conditions:
- i) No statistically significant increase in the concentration of any constituent greater than the previous sample is detected for three consecutive years, after changing to an annual monitoring frequency; or
 - ii) Immediately after contaminated leachate is no longer generated by the unit.
- 2) Criteria for Choosing Constituents to be Monitored

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The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the following requirements:

- A) The constituent appears in, or is expected to be in, the leachate; and
- B) The Board has established for the constituent a public or food processing water supply standard, at 35 Ill. Adm. Code 302, the Board has established a groundwater quality standard under the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 7451 et seq.), or the constituent may otherwise cause or contribute to groundwater contamination.

3) Organic Chemicals Monitoring

The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within three months of its establishment. The monitoring required by this subsection shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:

- A) The analysis shall be at least as comprehensive and sensitive as the tests for:
 - i) The 51 organic chemicals in drinking water described at 40 CFR 141.40 (1988), incorporated by reference at 35 Ill. Adm. Code 810.104; and
 - ii) Any other organic chemical for which a groundwater quality standard or criterion has been adopted pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act.
- B) At least once every two years, the operator shall monitor each well in accordance with subsection (a)(1)(A).

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4) Confirmation of Monitored Increase

- A) The confirmation procedures of this subsection shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall, under any of the following conditions, institute the confirmation procedures of subsection (a)(4)(B). However, the operator shall notify the Agency in writing, within ten days, of such an observed increase and instituting the procedures of subsection (a)(4)(B) for confirming the increase:
 - i) The concentration of any constituent monitored in accordance with subsection (a)(1) and (a)(2) shows a progressive increase over four consecutive quarters;
 - ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;
 - iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and
 - iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.
- B) The confirmation procedures shall include the following:

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- i) The operator shall verify any observed increase by taking taking additional samples within 45 days of the initial observation and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with subsection 811.320(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase within 24 hours of the confirmation.

- ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.

- iii) The operator shall notify the Agency in writing of any confirmed increase and state the source of the confirmed increase and provide the rationale used in such a determination within ten days of the determination.

b) Assessment Monitoring

The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:

- 1) The assessment monitoring shall be conducted to assess the nature and extent of groundwater contamination, which shall consist of, but not be limited to, the following steps:
 - A) More frequent sampling of the wells in which the observation occurred;
 - B) More frequent sampling of any surrounding wells;

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- C) The placement of additional monitoring wells to determine the source and extent of the contamination;
- D) Monitoring of additional constituents that might indicate the source and extent of contamination; and
- E) Any other investigative techniques that will assist in determining the nature and extent of the contamination.

- 2) The operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B. The assessment monitoring program shall be implemented within 90 days of confirmation of any monitored increase in accordance with subsection (a)(4) or, in the case of permitted facilities, within 90 days of Agency approval.

- 3) If the assessment monitoring program shows that the concentration of one or more constituents, attributable to the solid waste disposal facility, exceeds the applicable Section 811.320 groundwater quality standards beyond the zone of attenuation, then the operator shall implement the remedial action requirements of subsection (d).

- 4) If the assessment monitoring program shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c).

c) Groundwater Impact Assessment

An operator required to conduct a groundwater impact assessment under this Section shall assess the potential impacts of the increased concentrations

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outside the zone of attenuation. In addition to the requirements of Section 811.317, the following standards shall apply:

- 1) The assessment shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs; and
- 2) The operator shall submit the groundwater impact assessment and any proposed remedial action determined necessary pursuant to subsection (d) to the Agency within 180 days of the start of the assessment monitoring program. Permitted facilities shall submit this information as an application for significant permit modification.

d) Remedial Action

If the groundwater impact assessment, performed in accordance with subsection (c), shows a potential for exceeding the groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, or if it is confirmed, under either subsection (a), or subsection (b), that there is a statistically significant increase above the groundwater quality standards at or beyond the zone of attenuation, then the operator shall institute a remedial action program in compliance with the following standards:

- 1) The plans for the remedial action program shall be submitted to the Agency within 90 days of the detection of a violation of a water quality standard pursuant to subsection (b). If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit;
- 2) The remedial action program shall be implemented within:
 - A) 90 days of the completion of the groundwater impact assessment under subsection (c);
 - B) 90 days of detection of a violation of a water quality standard under subsection (b); or

- C) Where the facility has been permitted by the Agency pursuant to Section 21 of the Act, within 90 days of Agency approval of the remedial action plan.

- 3) The remedial action program shall consist of one or a combination of one or more of the following solutions:

- A) Retrofit additional groundwater protective measures within the unit;
- B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;
- C) Pump and treat the contaminated groundwater; or
- D) Any other equivalent technique which will prevent further contamination of groundwater.

4) Termination of the Remedial Action Program

- A) The remedial action program shall continue until the threat of exceeding the maximum allowable predicted concentration of any constituent within the zone of attenuation, and the threat of exceeding the groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, no longer exist.
- B) The operator shall submit to the Agency all information necessary to show that the threat of exceeding the maximum allowable concentration of any constituent no longer exists. Permitted facilities shall submit this information as a significant modification of the permit.

Section 811.320 Groundwater Quality Standards

a) Applicable Groundwater Quality Standards

- 1) Groundwater quality shall be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable

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groundwater quality standard established for any constituent shall be:

- A) The background concentration, if there is no Board established standard for that constituent;
- B) The background concentration, if the Board established standard is above the local background concentration for that constituent;
- C) The Board established standard, if the Board established standard is at or below the background concentration; or
- D) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).

2) Any statistically significant increase above a groundwater quality standard established pursuant to subsection (a)(1) that is attributable to the facility and which occurs outside or at the edge of the zone of attenuation shall constitute a violation.

3) For the purposes of this Part:

- A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and
- B) "Board established standard" is the concentration of a constituent adopted by the Board as a standard for public and food processing water supplies under 35 Ill. Adm. Code 302 or as a groundwater quality standard adopted by the Board pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act, whichever is lower.

b) Justification for Adjusted Groundwater Quality Standards

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- 1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the Act and 35 Ill. Adm. Code 106.410 through 106.416.
- 2) For groundwater which contains naturally occurring constituents which meet the requirements of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, upon a demonstration by the operator that:

- A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;
 - B) The change in standards is necessary for economic or social development; and
 - C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.
- 3) For groundwater which contains naturally occurring constituents which exceed the requirements of 35 Ill. Adm. Code 302.301, 302.304, and 302.305, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:

- A) The groundwater does not presently serve as a source of drinking water;
- B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;
- C) The change is necessary for economic or social development; and
- D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:
 - i) It is impossible to remove water in usable quantities;

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- ii) The groundwater is situated at a depth or location such that recovery of water for drinking purposes is not technologically feasible or economically reasonable;
- iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;
- iv) The total dissolved solids content of the groundwater is more than 3,000 mg/l and that water is not reasonably expected to serve a public water supply system; or
- v) The total dissolved solids content of the groundwater exceeds 10,000 mg/l.

c) Determination of the Zone of Attenuation

- 1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the groundwater quality standards, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit, whichever is less, extending from the ground surface to the bottom of the uppermost aquifer.

- 2) Zones of attenuation shall not extend to the annual high water mark of navigable surface waters.

- 3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a monitoring network.

d) Establishment of Background Concentrations

- 1) The initial monitoring to determine background concentrations shall commence during the hydrogeological assessment required by Section 811.315. The background concentrations for those parameters identified in Sections 811.315(e)(1)(G) and 811.319(a)(2) and (a)(3) shall be established based on quarterly sampling of wells for one year,

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monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4), which may be adjusted during the operation of a facility. Statistical tests and procedures shall be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations. Adjustments to the background concentrations shall be made only if changes in the concentrations of constituents observed in upgradient wells over time are determined, in accordance with subsection (e), to be statistically significant. Background concentrations determined in accordance with this subsection shall be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator shall prepare a list of the background concentrations established in accordance with this subsection. The operator shall maintain such a list at the facility, shall submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and shall provide updates to the list within ten days of any change to the list.

- 2) A network of monitoring wells shall be established upgradient from the unit, with respect to groundwater flow, in accordance with the following standards, in order to determine the background concentrations of constituents in the groundwater:

- A) The wells shall be located at such a distance that discharges of contaminants from the unit will not be detectable;
 - B) The wells shall be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and
 - C) The wells shall be established in locations and at depths that account for spatial variability.
- 3) A determination of background concentrations may include the sampling of wells that are not hydraulically upgradient of the waste unit where:

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- A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and
- B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.
- 4) If background concentrations cannot be determined on site, then alternative background concentrations may be determined from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.

e) Statistical Analysis of Groundwater Monitoring Data

- 1) Statistical tests shall be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests listed in subsection (e)(4) shall be chosen for analyzing the data, unless demonstrated inappropriate; in which case, tests listed in subsections (e)(5) and (e)(6) shall be used. Any statistical test chosen from subsections (e)(4) or (e)(5), the level of significance (Type I error level), shall be no less than 0.01, for individual well comparisons, and no less than 0.05, for multiple well comparisons. The statistical analysis shall include, but not be limited to, the accounting of data below the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

- A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and
- B) The established background concentration of any chemical constituents over time.
- 2) The statistical test or tests used shall be based upon the sampling and collection protocol of Sections 811.318 and 811.319.

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- 3) Monitored data that are below the level of detection shall be reported as not detected (ND). The level of detection for each constituent shall be the minimum concentration of that constituent which can be measured and reported with 99 percent confidence that the true value is greater than zero, which is defined as the method detection limit (MDL). The following procedures shall be used to analyze such data, unless an alternative procedure, as prescribed in subsection (e)(6), is shown to be applicable:

- A) Where the percentage of nondetects in the data base used is less than 15 percent, the operator shall replace NDs with the MDL divided by two, then proceed with the use of one or more of the Normal Theory statistical tests listed in subsection (e)(4);
- B) Where the percentage of nondetects in the data base used is between 15 and 50 percent, and the data are normally distributed, the operator shall use Cohen's adjustment to the sample mean and standard deviation, followed by one or more of the tests listed in subsection (e)(4)(C). However, where data are not normally distributed, the operator shall use an applicable nonparametric test from subsection (e)(5);
- C) Where the percentage of nondetects in the database used is above 50 percent, then the owner or operator shall use the test of proportions listed in subsection (e)(4).
- 4) Normal theory statistical tests that the owner or operator shall use:
 - A) Student t-test including, but not limited to, Cochran's Approximation to the Behren-Fisher (CABF) t-test and Averaged Replicate (AR) t-test.
 - B) Parametric analysis of variance (ANOVA) followed by one or more of the multiple comparison procedures including, but not limited to, Fisher's Least Significant

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Difference (LSD), Student Newman-Kuel procedure, Duncan's New Multiple Range Test and Tukey's W procedure.

- C) Control Charts, Prediction Intervals and Tolerance Intervals, for which the Type I error levels are not applicable.
- 5) Nonparametric statistical tests that the owner or operator shall use: Mann-Whitney U-test, Kruskal-Wallis test, a nonparametric analysis of variance (ANOVA) for multiple comparisons or the Wilcoxon Rank Sum test.
- 6) The owner or operator may use any other statistical test that it can demonstrate is more appropriate, due to the distribution of the sampling data.

Section 811.321

Waste Placement

a) Phasing of Operations

- 1) Waste disposal operations shall move from the lowest portions of the unit to the highest portions. Except as provided in subsection (a)(2), the placement of waste shall begin in the most downgradient, with respect to groundwater flow, part of the facility, in the lowest possible part of the unit.
- 2) The operator may dispose of wastes in areas other than those specified in subsection (a)(1) only under any of the following conditions:
 - A) Climatic conditions, such as wind and precipitation, are such that the placement of waste in the bottom of the unit would cause water pollution, litter or damage to any part of the liner;
 - B) The topography of the land surrounding the unit makes the procedure of subsection (a)(1) environmentally unsound, for example, because steep slopes surround the unit; or
 - C) When groundwater monitoring wells, constructed in accordance with the

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requirements of 811.319, are placed 50 feet, or less, downgradient from the filled portions of the unit.

b) Initial Waste Placement

- 1) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate collection piping system until a minimum of five feet of waste has been mounded over the system.
- 2) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate drainage blanket. Waste disposal operations shall begin at the edge of the drainage layer by carefully pushing waste out over the drainage layer.
- 3) An initial layer of waste, a minimum of five feet thick, shall be placed over the entire drainage blanket immediately after construction, but prior to the onset of weather conditions that may cause the compacted earth liner to freeze.
- 4) Waste shall not be placed over areas that are subject to freezing conditions until the liner has been inspected, tested, and reconstructed (if necessary) to meet the requirements of Section 811.306.

Section 811.322 Final Slope and Stabilization

- a) All final slopes shall be designed and constructed to a grade capable of supporting vegetation and which minimizes erosion.
- b) All slopes shall be designed to drain runoff away from the cover and which prevents ponding. No standing water shall be allowed anywhere in or on the unit.
- c) Vegetation
 - 1) Vegetation shall be promoted on all reconstructed surfaces to minimize wind and water erosion of the final protective cover.

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- 2) Vegetation shall be compatible with the climatic conditions.
- 3) Vegetation shall require little maintenance;
- 4) Vegetation shall consist of a diverse mix of native and introduced species that is consistent with the postclosure land use;
- 5) Vegetation shall be tolerant of the landfill gas expected to be generated;
- 6) The root depth of the vegetation shall not exceed the depth of the final protective cover system.
- 7) Temporary erosion control measures, including but not limited to mulch straw, netting and chemical soil stabilizers, shall be undertaken while vegetation is being established.
- d) Structures Constructed Over the Unit
 - 1) Structures constructed over the unit must be compatible with the land use;
 - 2) Such structures shall be designed to vent gases away from the interior; and
 - 3) Such structures must in no way interfere with the operation of a cover system, gas collection system, leachate collection system or any monitoring system.

Section 811.323 Load Checking Program

- a) The operator shall implement a load checking program that meets the requirements of this Section, for detecting and discouraging attempts to dispose regulated hazardous wastes at the facility. For purposes of this Section and Section 811.406, "regulated hazardous wastes" are wastes defined as such under RCRA, at 35 Ill. Adm. Code 721, and subject to regulations under 35 Ill. Adm. Code Parts 700 through 749.
- b) The load checking program shall consist of, at a minimum, the following components:

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- 1) Random inspections
 - A) An inspector designated by the facility shall examine at least three random loads of solid waste delivered to the landfill on a random day each week. The drivers randomly selected by the inspector shall be directed to discharge their loads at a separate, designated location within the facility. The facility shall conduct a detailed inspection of the discharged material for any regulated hazardous or other unacceptable wastes that may be present. Cameras or other devices may be used to record the visible contents of solid waste shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.
 - B) If regulated hazardous wastes or other unacceptable wastes are suspected, the facility shall communicate with the generator, hauler or other party responsible for shipping the waste to the facility to determine the identity of the waste.
- 2) Recording inspection results

Information and observations derived from each random inspection shall be recorded in writing and retained at the facility for at least three years. The recorded information shall include, at a minimum, the date and time of the inspection; the names of the hauling firm and the driver of the vehicle; the vehicle license plate number; the source of the waste, as stated by the driver; and observations made by the inspector during the detailed inspection. The written record shall be signed by both the inspector and the driver.
- 3) Training

The solid waste management facility shall train designated inspectors, equipment operators, weigh station attendants, spotters at large facilities, and all other appropriate facility personnel in the identification of potential sources of regulated hazardous wastes. The training program

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shall emphasize familiarity with containers typically used for regulated hazardous wastes and with labels for regulated hazardous wastes, under RCRA, and for hazardous materials under the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).

c) Handling Regulated Hazardous Wastes

- 1) If any regulated hazardous wastes are identified by random load checking, or are otherwise discovered to be improperly deposited at the facility, the facility shall promptly notify the Agency, the person responsible for shipping the wastes to the landfill, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. The solid waste management facility shall assure the cleanup, transportation and disposal of the waste at a permitted hazardous waste management facility.

- 2) The party responsible for transporting the waste to the solid waste management facility shall be responsible for the costs of such proper cleanup, transportation and disposal.

- 3) Subsequent shipments by persons or sources found or suspected to be previously responsible for shipping regulated hazardous waste shall be subject to the following special precautionary measures prior to the solid waste management facility accepting wastes. The operator shall use precautionary measures such as questioning the driver concerning the waste contents prior to discharge and visual inspection during the discharge of the load at the working face or elsewhere.

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section 811.401 Scope and Applicability

- a) This Subpart applies to all landfills permitted by the Agency pursuant to Section 21 of the Act, including landfills operated onsite, with or without a permit, that accept special wastes.

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- b) The standards of this Subpart apply in addition to the standards of 35 Ill. Adm. Code 809.

- c) Inspection, testing or acceptance of waste by a solid waste management facility shall not relieve the generator or transporter of responsibility for compliance with the requirements of 35 Ill. Adm. Code 700 through 749 and 809.

Section 811.402 Notice to Generators and Transporters

A prominent sign at the entrance to each solid waste management facility shall state that disposal of hazardous waste is prohibited and, if it is a facility permitted by the Agency to accept special wastes pursuant to 35 Ill. Adm. Code 808, also state that special waste will be accepted only if accompanied by an identification record and a manifest, unless such waste is exempted from the manifest requirements of this Part and 35 Ill. Adm. Code 809. Subpart E.

Section 811.403 Special Waste Manifests

- a) Each special waste accepted for disposal at a permitted solid waste management facility shall be accompanied by a manifest containing the following information, unless such special waste is disposed at an onsite facility and exempted, in accordance with 35 Ill. Adm. Code 809.211, from the manifest requirement:

- 1) The name of the generator of the special waste;
- 2) When and where the special waste was generated;
- 3) The name of the special waste hauler;
- 4) The name of the solid waste management facility to which it is shipped as a final destination point;
- 5) The date of delivery;
- 6) The name, waste stream permit number (if applicable) and quantity of special waste delivered to the hauler;
- 7) The signature of the person who delivered the special waste to the special waste hauler, acknowledging such delivery;

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- 8) The signature of the special waste hauler, acknowledging receipt of the special wastes; and
- 9) The signature of the person who accepted the special waste at its final destination, acknowledging acceptance of the special waste.
- b) A permitted facility that accepts special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste hauler shall be conducted under a transportation record initiated by the permitted solid waste management facility.
- c) Distribution of Manifests After Delivery
 - 1) The receiving solid waste management facility, shall accept special waste only if accompanied by three copies of the manifest from the hauler. The hauler shall retain one copy.
 - 2) The receiving solid waste management facility shall:
 - A) Send one copy of the completed transportation record to the person who delivered the special waste to the special waste hauler (usually the generator, or another special waste management facility);
 - B) Send one copy of each signed manifest to the Agency in accordance with the requirements of 35 Ill. Adm. Code 809; and
 - C) Send information on rejected loads to the Agency in a quarterly report.
 - d) Every person who delivers special waste to a special waste hauler, every person who accepts special waste from a special waste hauler and every special waste hauler shall retain a copy of the special waste transportation record as a record of each special waste transaction. These copies shall be retained for three years, and shall be made available at reasonable times for inspection and photocopying by the Agency pursuant to Section 4(d) of the Act.

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- Section 811.404 Identification Record
- a) Each special waste disposed of at a facility (including special wastes generated at the facility) shall be accompanied by a special waste profile identification sheet, from the waste generator, that certifies the following:
 - 1) The generator's name and address;
 - 2) The transporter's name and telephone number;
 - 3) The name of waste;
 - 4) The process generating the waste;
 - 5) Physical characteristics of waste (e.g., color, odor, solid or liquid, flash point);
 - 6) The chemical composition of the waste;
 - 7) The metals content of the waste;
 - 8) Hazardous characteristics (including identification of wastes deemed hazardous by the United States Environmental Protection Agency or the state);
 - 9) Presence of polychlorinated biphenyls (PCB)s or 2,3,7,8-tetrachlorodibenzodioxin (2,3,7,8-TCDD); and
 - 10) Any other information, such as the result of any test carried out in accordance with Section 811.202, that can be used to determine:
 - A) Whether the special waste is regulated as a hazardous waste, as defined at 35 Ill. Adm. Code 721;
 - B) Whether the special waste is of a type that is permitted for or has been classified, in accordance with 35 Ill. Adm. Code 809, for storage, treatment, or disposal at the facility; and

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- C) Whether the method of storage, treatment, or disposal, using the methods available at the facility, is appropriate for the waste.

b) Special waste recertification

Each subsequent shipment of a special waste from the same generator must be accompanied by a transportation record, a copy of the original special waste profile identification sheet, and either:

- 1) A special waste recertification by the generator describing whether there have been changes in the following:

- A) Laboratory analysis (copies to be attached);
- B) Raw material in the waste-generating process;
- C) The waste-generating process itself;
- D) The physical or hazardous characteristics of the waste; and
- E) New information on the human health effects of exposure to the waste; or

- 2) Certification indicating that any change in the physical or hazardous characteristic of the waste is not sufficient to require a new special waste profile.

Section 811.405 Recordkeeping Requirements

The solid waste management facility operator shall retain copies of any special waste profile identification sheets, special waste recertifications, certifications of representative sample, special waste laboratory analyses, special waste analysis plans, and any waivers of requirements (prohibitions, special waste management authorization, and operating requirements) at the facility until the end of the postclosure care period.

Section 811.406 Procedures for Excluding Regulated Hazardous Wastes

The operator shall implement a load checking program that meets the requirements of Section 811.323 for detecting and

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discouraging attempts to dispose of regulated hazardous wastes at the facility.

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section 811.501 Scope and Applicability

All structures necessary to comply with the requirements of this Part shall be constructed according to a construction quality assurance program that, at a minimum, meets the requirement of this Subpart.

Section 811.502 Duties and Qualifications of Key Personnel

a) Duties and Qualifications of the Operator

The operator shall designate a third party contractor, a person other than the operator or an employee of the operator, as the construction quality assurance (CQA) officer.

b) Duties and Qualifications of the CQA officer

- 1) The CQA officer shall supervise and be responsible for all inspections, testing and other activities required to be implemented as part of the CQA program under this Subpart.

- 2) The CQA officer shall be a professional engineer.

Section 811.503 Inspection Activities

- a) The CQA officer shall be present to provide supervision and assume responsibility for performing all inspections of the following activities:

- 1) Compaction of the subgrade and foundation to design parameters;
- 2) Installation of the compacted earth liner;
- 3) Installation of a geomembrane;
- 4) Installation of slurry trenches or cutoff walls;
- 5) Installation of the leachate drainage and collection system;

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- 6) Application of final cover;
- 7) Installation of gas control facilities; and
- 8) Construction of ponds, ditches, lagoons and berms.
- b) If the CQA officer is unable to be present to perform, as required by subsection (a), then the CQA officer shall provide, in writing, reasons for his absence, a designation of the designated CQA officer-in-absentia, and a signed statement that the CQA officer assumes full personal responsibility for all inspections performed and reports prepared by the designated CQA officer-in-absentia during the absence of the CQA.

Section 811.504 Sampling Requirements

A sampling program shall be implemented as part of the CQA plan, for all construction activities, in order to insure, at a minimum, that construction materials and operations meet the following requirements:

- a) The sampling program shall be designed prior to construction.
- b) The sampling program shall be based upon statistical sampling techniques to yield a 95 percent level of confidence.
- c) A criteria for acceptance or rejection of materials and operations shall be established. The criteria shall insure that at least 95 percent of the materials and operations meet the required properties or standards.

Section 811.505 Documentation

- a) A daily summary report shall be prepared by the CQA officer, or under the direct supervision of the CQA officer, during each day of activity. The report shall contain, at a minimum:

- 1) The date;
- 2) A summary of the weather conditions;
- 3) A summary of locations where construction is occurring;

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- 4) Equipment and personnel on the project;
- 5) A summary of any meetings held and attendees;
- 6) A description of offsite materials received and references or results of testing and documentation;
- 7) The calibration and recalibration of test equipment;
- 8) The daily inspection report from each inspector.

b) Daily Inspection Reports

Each inspector shall complete a daily inspection report containing the following information:

- 1) The location;
- 2) The type of inspection;
- 3) The procedure used;
- 4) Test data;
- 5) The results of the activity;
- 6) Personnel involved in the inspection and sampling activities; and
- 7) The signature of the inspector.

c) Photographic Records

Photographs may be used as tools to document the progress and acceptability of the work and may be incorporated into the daily summary report, daily inspection report, and an acceptance report. Each photo shall be identified with the following information:

- 1) The date, time and location of photograph;
- 2) The name of photographer; and
- 3) The signature of photographer.

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d) Acceptance Reports

Upon completion of the construction of each major phase, the CQA officer shall submit an acceptance report to the Agency. The acceptance report shall be submitted before the structure is placed into service and shall contain the following:

- 1) A certification by the CQA officer that the construction has been prepared and constructed in accordance with the engineering design;
- 2) As-built drawings; and
- 3) All daily summary reports.

Section 811.506 Foundations and Subbases

- a) The CQA officer shall identify and confirm the results of the site investigation, identify unexpected conditions and record all modifications to the plans and construction procedures on the as-built drawings.
- b) The CQA officer shall observe soil and rock surfaces for joints, fractures and depressions, document the filling of all joints and fractures and document the removal and filling of local sand deposits on the as-built drawings.
- c) The CQA officer shall ensure that there are no moisture seeps and that all soft, organic or other undesirable materials are removed.

Section 811.507 Compacted Earth Liners

a) Requirements for a Test Liner

A test fill shall be constructed before construction of the actual, full-scale compacted earth liner, in accordance with the following requirements:

- 1) The test liner shall be constructed from the same soil material, design specifications, equipment and procedures as are proposed for the full-scale liner;
- 2) The test fill shall be at least four times the width of the widest piece of equipment to be used;

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- 3) The test fill shall be long enough to allow the equipment to reach normal operating speed before reaching the test area;
- 4) At least three lifts shall be constructed;
- 5) The test fill shall be tested as described below for each of the following physical properties using tests to ensure a statistically valid sample size:
 - A) Field testing techniques shall be used to determine the hydraulic conductivity.
 - B) Samples shall also be tested in the laboratory for hydraulic conductivity. The laboratory results shall be evaluated to determine if there is a statistical correlation to the field testing results.
 - C) Other engineering parameters, including but not limited to particle size distribution, plasticity, water content, and in-place density, that are needed to evaluate the full-scale liner shall be determined.
- 6) Additional test fills shall be constructed for each time the material properties of a new borrow source changes or for each admixture or change in equipment or procedures; and
 - b) Construction of a test fill or the requirements for an additional test fill may be omitted if a full-scale liner or a test fill has been previously constructed in compliance with this subsection and documentation and is available to demonstrate that the previously constructed liner meets the requirements of subsection (a).
 - c) During construction of the actual, full-scale compacted earth liner, the CQA officer shall insure the following:
 - 1) Use of same compaction equipment as used in test fill;

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- 2) Use of same procedures, such as number of passes and speed;
- 3) Uniformity of coverage by compaction equipment;
- 4) Consistent achievement of density, water content and permeability of each successive lift;
- 5) Use of methods to bond successive lifts together;
- 6) Achievement of liner strength on sidewalls;
- 7) Contemporaneous placement of protective covering to prevent drying and desiccation, where necessary;
- 8) Prevention of the placement of frozen material or the placement of material on frozen ground;
- 9) Prevention of damage to completed liner sections; and
- 10) That construction proceeds only during favorable climatic conditions.

Section 811.508 Geomembranes

The CQA officer shall insure the following:

- a) The bedding material contains no undesirable objects;
- b) The placement plan has been followed;
- c) The anchor trench and backfill are constructed to prevent damage to the geomembrane;
- d) All tears, rips, punctures, and other damage are repaired; and
- e) All geomembrane seams are properly constructed and tested.

Section 811.509 Leachate Collection Systems

- a) The CQA officer shall insure that pipe sizes, material, perforations, placement and pipe grades are in accordance with the design.

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- b) The CQA officer shall insure that all soil materials used for the drainage blanket and graded filters meet the required size and gradation specifications and are placed in accordance with the design plans.
- c) All prefabricated structures shall be inspected for conformity to specifications and for defective manufacturing.

Section 811.700 Scope, Applicability and Definitions

- a) This Subpart provides procedures by which the operator of a permitted waste disposal facility provides financial assurance satisfying the requirements of Section 21.1(a) of the Act.
- b) Financial assurance may be provided, as specified in Section 811.706, by a trust agreement, a bond guaranteeing payment, a bond guaranteeing payment or performance, a letter of credit, insurance or self-insurance.
- c) This Subpart does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site that is owned or operated by such a governmental entity shall provide financial assurance for closure and postclosure care of the site.
- d) The operator is not required to provide financial assurance pursuant to this Subpart if the operator demonstrates:
 - 1) That closure and postclosure care plans filed pursuant to 35 Ill. Adm. Code 724 or 725 will result in closure and postclosure care of the site in accordance with the requirements of this Part; and
 - 2) That the operator has provided financial assurance adequate to provide for such closure and postclosure care pursuant to 35 Ill. Adm. Code 724 or 725.
- e) Definition: "Assumed closure date" means the date during the the next permit term on which the costs of

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premature final closure of the facility, in accordance with the standards of this Part, will be greatest.

Section 811.701 Upgrading Financial Assurance

- a) The operator shall maintain financial assurance equal to or greater than the current cost estimate calculated pursuant to Section 811.704 at all times, except as otherwise provided by subsection (b).
- b) The operator shall increase the total amount of financial assurance so as to equal the current cost estimate within 90 days after any of the following occurrences:
 - 1) An increase in the current cost estimate;
 - 2) A decrease in the value of a trust fund;
 - 3) A determination by the Agency that an operator no longer meets the gross revenue test of Section 811.715(d) or the financial test of Section 811.715(e); or,
 - 4) Notification by the operator that the operator intends to substitute alternative financial assurance, as specified in Section 811.706, for self-insurance.

Section 811.702 Release of Financial Institution

The Agency shall release a trustee, surety, insurer or other financial institution when:

- a) An operator substitutes alternative financial assurance such that the total financial assurance for the site is equal to or greater than the current cost estimate, without counting the amounts to be released; or
- b) The Agency releases the operator from the requirements of this Subpart pursuant to 35 Ill. Adm. Code 813.403(b).

Section 811.703 Application of Proceeds and Appeals

- a) The Agency may sue in any court of competent jurisdiction to enforce its rights under financial instruments. The filing of an enforcement action

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before the Board is not a condition precedent to such an Agency action, except when this Subpart or the terms of the instrument provide otherwise.

- b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104, the Board may order modifications in permits to change the type or amount of financial assurance pursuant to an enforcement action or a variance petition. Also, the Board may order that an owner or operator modify a closure or postclosure care plan or order that proceeds from financial assurance be applied to the execution of a closure or postclosure care plan.
- c) The following Agency actions may be appealed to the Board as a permit denial pursuant to 35 Ill. Adm. Code 105 and Section 21.5(e) of the Act:
 - 1) A refusal to accept financial assurance tendered by the operator;
 - 2) A refusal to release the operator from the requirement to maintain financial assurance;
 - 3) A refusal to release excess funds from a trust;
 - 4) A refusal to approve a reduction in the penal sum of a bond;
 - 5) A refusal to approve a reduction in the amount of a letter of credit;
 - 6) A refusal to approve a reduction in the face amount of an insurance policy; or
 - 7) A determination that an operator no longer meets the gross revenue test or financial test.

Section 811.704 Closure and Postclosure Care Cost Estimates

- a) Written cost estimate. The operator shall have a written estimate of the cost of closing all active parts of the facility in accordance with the requirements of this Part; the written closure plan, required by Section 811.110 and 35 Ill. Adm. Code 812.114; and the cost of postclosure care plan, required by this Part and 35 Ill. Adm. Code 812.115.

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- The cost estimate is the total cost for closure and postclosure care.
- b) The operator shall revise the cost estimate whenever a change in the closure plan or postclosure care plan increases the cost estimate.
 - c) The cost estimate must be based on the steps necessary for the premature final closure of the facility on the assumed closure date.
 - d) The cost estimate must be based on the assumption that the Agency will contract with a third party to implement the closure plan.
 - e) The cost estimate may not be reduced by allowance for the salvage value of equipment or waste, for the resale value of land, or for the sale of landfill gas.
 - f) The cost estimate must, at a minimum, include all costs for all activities necessary to close the facility in accordance with all requirements of this Part.
 - g) The postclosure monitoring and maintenance cost estimate must be prepared:
 - 1) On the basis of the design period for each unit at a facility, assuming operations will cease on the assumed closure date; and
 - 2) Reduced to present value, as follows:
 - A) Based on a 4 percent discount rate;
 - B) Without allowing for inflation;
 - C) Over a period including the time remaining until the assumed closure date, plus the postclosure care period;
 - h) The postclosure care cost estimate must, at a minimum, be based on the following elements in the postclosure care plan:
 - 1) Groundwater monitoring, based on the number of monitoring points and parameters and the frequency of sampling specified in the permit.

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- 2) The annual cost of Cover Placement and Stabilization, including an estimate of the annual residual settlement and erosion control and the cost of mowing.
 - 3) Alternative Landfill Gas Disposal. If landfill gas is transported to an offsite processing system, then the operator shall include in the cost estimate the costs necessary to operate an onsite gas disposal system, should access to the offsite facility become unavailable. The cost estimate must include the following information: installation, operation, maintenance and monitoring of an onsite gas disposal system.
 - 4) Cost Estimates Beyond the Design Period. When a facility must extend the postclosure care period beyond the applicable design period, the cost estimate must be based upon such additional time and the care activities occurring during that time.
 - g) This Section does not authorize the Agency to require the operator to perform any of the indicated activities upon which cost estimates are to be based; however, if the site permit requires a closure activity, the operator shall include the cost of that activity in the cost estimate.
 - h) Once the operator has completed an activity, the operator may file an application for significant permit modification pursuant to 35 Ill. Adm. Code 813.201 indicating that the activity has been completed, and zeroing that element of the cost estimate.
- Section 811.705 Revision of Cost Estimate
- a) The operator shall revise the current cost estimates for closure and postclosure care in each new application for permit renewal or where a facility modification results in an increase of the cost estimate.
 - b) The operator shall review the closure and postclosure care plans prior to filing a revised cost estimate in order to determine whether they are consistent with current operations, this Subchapter. The operator shall either certify that the plans are consistent, or

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shall file an application incorporating new plans pursuant to 35 Ill. Adm. Code 813.

- c) The operator shall prepare new closure and postclosure cost estimates reflecting current prices for the items included in the estimates when submitting any new application for permit renewal. The operator shall file revised estimates even if the operator determines that there are no changes in the prices.

Section 811.706 Mechanisms for Financial Assurance

The operator of a waste disposal site may utilize any of the following mechanisms to provide financial assurance for closure and postclosure care:

- a) A trust fund (Section 811.710);
- b) A surety Bond Guaranteeing Payment (Section 811.711);
- c) A surety Bond Guaranteeing Performance (Section 811.712);
- d) A letter of Credit (Section 811.713);
- e) Closure Insurance (Section 811.714); or
- f) Self-insurance (Section 811.715).

Section 811.707 Use of Multiple Financial Mechanisms

An operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in 35 Ill. Adm. Code 811.710, 811.711, 811.713 and 811.714, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate. The operator may use any or all of the mechanisms to provide for closure and postclosure care of the site.

Section 811.708 Use of a Financial Mechanism for Multiple Sites

An operator may use a financial assurance mechanism specified in this Subpart to meet the requirements of this Subpart for more than one site. Evidence of financial assurance submitted to the

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Agency must include a list showing, for each site, the name, address and the amount of funds assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each site. The amount of funds available to the Agency must be sufficient to close and provide postclosure care for all of the operator's sites. In directing funds available through a single mechanism for the closure and postclosure care of any single site covered by that mechanism, the Agency may direct only that amount of funds designated for that site, unless the operator agrees to the use of additional funds available under that mechanism.

Section 811.709 Trust Fund for Unrelated Sites

Any person may establish a trust fund for the benefit of the Agency which may receive funds from more than one operator for closure of different sites. Such a trust fund must operate like the trust fund specified in 35 Ill. Adm. Code 807.710, except as follows:

- a) The trustee shall maintain a separate account for each site and shall evaluate such annually as of the day of creation of the trust;
- b) The trustee shall annually notify each operator and the Agency of the evaluation of each operator's account;
- c) The trustee shall release excess funds as required from the account for each site;
- d) The trustee shall reimburse the operator or other person authorized to perform closure or postclosure care only from the account for that site.
- e) The Agency may direct the trustee to withhold payments only from the account for the site for which it has determined the cost of closure and postclosure care will be greater than the value of the account for that site pursuant to Section 811.710(g)(3).

Section 811.710 Trust Fund

- a) An operator may satisfy the requirements of this Subpart by establishing a trust fund which conforms to the requirements of this section and submitting an original signed duplicate of the trust agreement to the Agency.

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- b) The trustee shall be an entity which has the authority to act as a trustee and:
- 1) Whose trust operations are examined by the Illinois Commissioner of Banks and Trust Companies pursuant to the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, pars. 301 et seq.); or
 - 2) Who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.).
- c) The trust agreement must be on the forms specified in Appendix A, Illustration A, and the trust agreement must be accompanied by a formal certification of acknowledgment, on the form specified in Appendix A, Illustration B.
- d) Payments into the trust:
- 1) The operator shall make a payment into the trust fund each year during the pay-in period.
 - 2) The pay-in period is the number of years remaining until the assumed closure date.
 - 3) Annual payments are determined by the following formula:

$$\text{Annual payment} = (\text{CE}-\text{CV})/\text{Y}$$
 where:

$$\text{CE} = \text{Current cost estimate}$$

$$\text{CV} = \text{Current value of the trust fund}$$

$$\text{Y} = \text{Number of years remaining in the pay in period.}$$
 - 4) The operator shall make the first annual payment prior to the initial receipt of waste for disposal. The operator shall also, prior to such initial receipt of waste, submit to the Agency a receipt from the trustee for the first annual payment.

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- 5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.
 - 6) The operator may accelerate payments into the trust fund, or may deposit the full amount of the current cost estimate at the time the fund is established.
 - 7) An operator required to provide additional financial assurance for an increase in the cost estimate because of an amendment to this Subchapter may provide such additional financial assurance pursuant to this subsection. The operator may provide the increase by contributing to a new or existing trust fund pursuant to this Section. Subsection (d)(2) notwithstanding, the pay-in period for such additional financial assurance shall be not less than three years.
- e) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee shall notify the operator and the Agency of the value within 30 days after the evaluation date.
- f) Release of excess funds:
- 1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the operator may submit a written request to the Agency for a release of the amount in excess of the current cost estimate.
 - 2) Within 60 days after receiving a request from the operator for a release of funds, the Agency shall instruct the trustee to the operator such funds as the Agency specifies in writing to be in excess of the current cost estimate.
- g) Reimbursement for closure and postclosure care expenses:
- 1) After initiating closure, an operator, or any other person authorized to perform closure or postclosure care, may request reimbursement for closure or postclosure care expenditures, by submitting itemized bills to the Agency.

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- 2) Within 60 days after receiving the itemized bills for closure or postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure or postclosure care plan.
- 3) If the Agency determines, based on such information as is available to it, that the cost of closure and postclosure care will be greater than the value of the trust fund, it shall withhold reimbursement of such amounts as it determines are necessary to preserve the in order to accomplish closure and postclosure care until it determines that the operator is no longer required to maintain financial assurance for closure and postclosure care. In the event the fund is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:
 - A) Persons with whom the Agency has contracted to perform closure or postclosure care activities (first priority);
 - B) Persons who have completed closure or postclosure care authorized by the Agency (second priority);
 - C) Persons who have completed work which furthered the closure or postclosure care (third priority);
 - D) The operator and related business entities (last priority).

Section 811.711 Surety Bond Guaranteeing Payment

- a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.

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- b) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 613 et seq.).
- c) The surety bond must be on the forms specified in Appendix A, Illustration C, D or H.
- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
- e) Conditions:
 - 1) The bond must guarantee that the operator will provide closure and postclosure care in accordance with the approved closure and postclosure care plans.
 - 2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
 - D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.
- f) Penal sum:
 - 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
 - 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

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g) Term:

- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and postclosure care of the site, unless the Agency determines that the closure or postclosure care plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care in compliance with this Part.
- 2) After closure and postclosure care have been completed in accordance with the plans and requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.

Section 811.712 Surety Bond Guaranteeing Performance

- a) An operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency.
- b) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 613 et seq.).

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- c) The surety bond must be on the forms as specified in Appendix A, Illustration C, D or H.
- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
- e) Conditions:
 - 1) The bond must guarantee that the operator will provide closure and postclosure care in accordance with the closure and postclosure care plans in the permit. The surety shall have the option of providing closure and postclosure care in accordance with the closure and postclosure care plans, or of paying the penal sum.
 - 2) The surety will become liable on the bond obligation when, during the term of the bond, the operator fails to perform as guaranteed by the bond. The operator fails to perform when the operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
 - D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.
- f) Penal sum:
 - 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
 - 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.
- g) Term:

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- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension, the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the operator or another person provides financial assurance for closure and postclosure care of the site, unless the Agency determines that the closure or postclosure care plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care in compliance with this Part.
 - 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the surety.
 - i) The surety will not be liable for deficiencies in the performance of closure by the operator after the Agency releases the operator from the requirements of this Subpart.
- Section 811.713 Letter of Credit
- a) An operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency.
 - b) The issuing institution shall be an entity which has the authority to issue letters of credit and:

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- 1) Whose letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies; or,
 - 2) Whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) Forms:
- 1) The letter of credit must be on the forms specified in Appendix A, Illustration E.
 - 2) The letter of credit must be accompanied by a letter from the operator, referring to the letter of credit by number, issuing institution and date, and providing the following information: name and address of the site and the amount of funds assured for closure and postclosure care of the site by the letter of credit.
 - d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the landfill closure and postclosure fund within the State Treasury.
 - e) Conditions on which the Agency may draw on the letter of credit:
 - 1) The Agency shall draw on the letter of credit if the operator fails to perform closure or postclosure care in accordance with the closure and postclosure care plans.
 - 2) The Agency shall draw on the letter of credit when the operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or

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D) Notifies the Agency that it has initiated closure, or initiates closure, but fails to provide closure and postclosure care in accordance with the closure and postclosure care plans.

f) Amount:

- 1) The letter of credit must be issued in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.

g) Term:

- 1) The letter of credit must be issued for a term of at least five years and must be irrevocable during that term.

- 2) If the operator fails to substitute alternative financial assurance prior to expiration of a letter of credit, the term of the letter of credit must be automatically extended for one twelve-month period starting with the date of expiration. During such extension, the letter of credit will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the operator or another person provides financial assurance for closure and postclosure care of the site, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care as required by this Part.
- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part, the Agency shall refund any unspent

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money which was paid to the Agency by the financial institution.

Section 811.714 Closure Insurance

- a) An operator may satisfy the requirements of this Subpart by obtaining closure and postclosure care insurance which conforms to the requirements of this Section and submitting an executed duplicate original of such insurance policy to the Agency.
- b) The insurer shall be licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 613 et seq.).

- c) The policy must be on forms approved by the Illinois Department of Insurance.

d) Face amount:

- 1) The closure and postclosure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 2) The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.
- e) The closure and postclosure care insurance policy must guarantee that funds will be available to close the site and to provide postclosure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The insurer will be liable when:
 - 1) The operator abandons the site;
 - 2) The operator is adjudicated bankrupt;

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- 3) The Board, pursuant to Title VIII of the Act, or a court of competent jurisdiction orders the site closed;
 - 4) The operator notifies the Agency that it is initiating closure; or
 - 5) Any person initiates closure with approval of the Agency.
- f) Reimbursement for closure and postclosure care expenses:

- 1) After initiating closure, an operator or any other person authorized to perform closure or postclosure care may request reimbursement for closure and postclosure care expenditures by submitting itemized bills to the Agency.
- 2) Within 60 days after receiving bills for closure or postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall direct the insurer to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure and postclosure care plans.
- 3) If the Agency determines based on such information as is available to it that the cost of closure and postclosure care will be greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines that the operator is no longer required to maintain financial assurance. In the event the face amount of the policy is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:

- A) Persons with whom the Agency has contracted to perform closure or postclosure care activities (first priority);
- B) Persons who have completed closure or postclosure care authorized by the Agency (second priority);

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- C) Persons who have completed work which furthered the closure or postclosure care (third priority);
 - D) The operator and related business entities (last priority).
- g) Cancellation:
- 1) The operator shall maintain the policy in full force and effect until the Agency releases the insurer pursuant to Section 811.702.
 - 2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.
 - h) Each policy must contain a provision allowing assignment of the policy to a successor operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

Section 811.715 Self-Insurance for Non-commercial Sites

- a) Definitions. The following definitions are intended to assist in the understanding of this Part and are not intended to limit the meanings of terms in any way that conflicts with generally accepted accounting principles:

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"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Generally accepted accounting principles" means Accounting Standards, General Standards, incorporated by reference at 35 Ill. Adm Code 810.104.

"Gross Revenue" means total receipts less returns and allowances.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets do not include intangibles such as goodwill and rights to patents or royalties.

b) Information to be Filed

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An operator may satisfy the financial assurance requirements of this Part by providing the following:

- 1) Bond without surety promising to pay the cost estimate (subsection (c)).
- 2) Proof that the operator meets the gross revenue test (subsection (d)).
- 3) Proof that the operator meets the financial test (subsection (e)).

c) Bond Without Surety. An operator utilizing self-insurance shall provide a bond without surety on the forms specified in Appendix A, Illustration G. The operator shall promise to pay the current cost estimate to the Agency unless the operator provides closure and postclosure care in accordance with the closure and postclosure care plans.

d) Gross Revenue Test. The operator shall demonstrate that less than one-half of its gross revenues are derived from waste disposal operations. Revenue is "from waste disposal operations" if it would stop upon cessation of the operator's waste disposal operations.

e) Financial Test

- 1) To pass the financial test, the operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

A) The operator shall have:

- i) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; and

- ii) Net working capital and tangible net worth each at least six times the current cost estimate; and

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- iii) Tangible net worth of at least \$10 million; and
 - iv) Assets in the United States amounting to at least 90 percent of the operator's total assets and at least six times the current cost estimate.
- B) The operator shall have:
- i) A current rating of AAA, AA, A or BBB for its most recent bond issuance as issued by Standard and Poor, or a rating of Aaa, Aa, A or Baa, as issued by Moody; and
 - ii) Tangible net worth at least six times the current cost estimate; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.

- 2) To demonstrate that it meets this test, the operator shall submit the following items to the Agency:

- A) A letter signed by the operator's chief financial officer and worded as specified in Appendix A, Illustration I; and
- B) A copy of the independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year; and
- C) A special report from the operator's independent certified public accountant to the operator stating that:
 - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently

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- audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
- ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

f) Updated Information.

- 1) After the initial submission of items specified in subsections (d) and (e), the operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year.
- 2) If the operator no longer meets the requirements of subsections (d) and (e), the operator shall send notice to the Agency of intent to establish alternative financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the operator no longer meets the requirements.

- g) Qualified Opinions. If the opinion required by subsections (e)(2)(B) and (e)(2)(C) includes an adverse opinion or a disclaimer of opinion, the Agency shall disallow the use of self-insurance. If the opinion includes other qualifications, the Agency shall disallow the use of self-insurance if:

- 1) The qualifications relate to the numbers which are used in the gross revenue test or the financial test; and,
- 2) In light of the qualifications, the operator has failed to demonstrate that it meets the gross revenue test or financial test.

- h) Parent Corporation. An operator may satisfy the financial assurance requirements of this part by demonstrating that a corporation which owns an interest in the operator meets the gross revenue and financial tests. The operator shall also provide a bond with the parent as surety (Appendix A, Illustration H).

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Appendix A Financial Assurance Forms
Illustration A Trust Agreement

TRUST AGREEMENT

Trust Fund Number

Trust Agreement, the "Agreement," entered into as of the
day of _____, by and between
_____, a
the "Grantor," and _____, the "Trustee."

Whereas, Section 21.1 of the Environmental Protection Act, "Act", prohibits any person from conducting any waste disposal operation unless such person has posted with the Illinois Environmental Protection Agency, "IEPA", a performance bond or other security for the purpose of insuring closure of the site and postclosure care in accordance with the Act and Illinois Pollution Control Board, "IPCB", rules.

Whereas, the IPCB has established certain regulations applicable to the Grantor, requiring that an operator of a waste disposal site provide assurance that funds will be available when needed for closure and/or postclosure care of the site.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the sites identified in this agreement.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

Whereas, Trustee is an entity which has authority to act as a trustee and whose trust operations are regulated by the Illinois Commissioner of Banks & Trust Companies or who complies with the Corporate Fiduciaries Act (Ill. Rev. Stat. 1987, Ch. 17, par. 1551-1 et seq.) (Line through any condition which does not apply.)

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

- a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the operator.

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- b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address and initial cost estimate of each site for which financial assurance is demonstrated by this agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the IEPA. The Grantor and the Trustee intend that no other third party have access to the Fund except as provided in this agreement. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached to this agreement. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits on the Fund, less any payments or distributions made by the Trustee pursuant to this agreement. The Fund shall be held by the Trustee, in trust, as provided in this agreement. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor.

Section 4. Payment for Closure and Postclosure Care. The Trustee shall make payments from the Fund as the IEPA shall direct, in writing, to provide for the payment of the costs of closure and/or postclosure care of the sites covered by this agreement. The Trustee shall reimburse the Grantor or other persons as specified by the IEPA from the Fund for closure and postclosure expenditures in such amounts as the IEPA shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trust Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of

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this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- a) Securities or other obligations of the Grantor, or any other owner or operator of the site, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal government or the State of Illinois;
- b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by the Federal Deposit Insurance Corporation.
- c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this agreement or by law, the Trustee is expressly authorized and empowered:

- a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No

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person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

- b) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this agreement;
- c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund.
- d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by the Federal Deposit Insurance Corporation; and
- e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee, to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the IEPA a statement confirming the value of the Trust. The evaluation day shall be each year on the day of . Any securities in the Fund shall valued at market value as of the evaluation day. The Trustee shall mail

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the evaluation statement to the Grantor and the IEPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the IEPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and the successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the IEPA and the present Trustee by certified mail ten days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the IEPA to the Trustee shall be in writing, signed by the IEPA Director or his designees, and the Trustee shall act and

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shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or IEPA, except as provided in this agreement.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the IEPA, by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the IEPA Director, or by the Trustee and the IEPA Director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the IEPA Director, or by the Trustee and the IEPA, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the IEPA Director issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed and enforced according to the laws of the State of Illinois.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

Attest: Signature of Grantor

Typed Name

Title

Seal

Attest: Signature of Trustee

Typed Name

Title

Seal

Appendix A Financial Assurance Forms
Illustration B Certificate of Acknowledgment
CERTIFICATE OF ACKNOWLEDGMENT

State of)
County of) SS)

On this day of , before me personally came (operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at (address), that she/he is (title) of (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

My Commission Expires

Notary Public

Appendix A Financial Assurance Forms
Illustration C Forfeiture Bond

FORFEITURE BOND

Date bond executed:

Effective date:

Principal:

Type of organization:

State of incorporation:

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Surety:

Sites:

Name

Address

City

Amount guaranteed by this bond: \$

Name

Address

City

Amount guaranteed by this bond: \$

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$

Surety's bond number:

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and postclosure care for each site in accordance with the closure and postclosure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021.1, to provide financial assurance for closure and postclosure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

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Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure and postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

Principal Corporate Surety

Signature Name

Typed Name Address

Title State of Incorporation

Date Signature

Typed Name

Title

Corporate seal Corporate seal

Bond premium: \$

Appendix A Financial Assurance Forms Illustration D Performance Bond

PERFORMANCE BOND

Date bond executed:

Effective date:

Principal:

Type of organization:

State of incorporation:

Surety:

Sites:

Name

Address

City

Amount guaranteed by this bond: \$

Name

Address

City

Amount guaranteed by this bond: \$

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$

Surety's bond number:

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and postclosure care for each site in accordance with the closure and postclosure care plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Principal is required, under the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021.1, to provide financial assurance for closure and postclosure care; and

Whereas the Surety is licensed by the Illinois Department of Insurance;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and postclosure care in accordance with the closure and postclosure care plans for the site if, during the term of the bond, the Principal fails to provide closure and postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and postclosure care in accordance with the closure and postclosure care plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

If the Surety notifies the Agency that it intends to provide closure and postclosure care, then the Surety must initiate closure and postclosure care within 60 days after the IEPA mailed notice to the Surety that the Principal failed to provide closure and postclosure care. The Surety must complete closure and postclosure care in accordance with the closure and postclosure care plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the

bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the day of provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

Principal Corporate Surety

Signature Name

Typed Name Address

Title State of Incorporation

Date Signature

Typed Name

Title

Corporate seal Corporate seal

Bond premium: \$

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Appendix A Financial Assurance Forms
Illustration E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trusts or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language which does not apply)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U. S. dollars (\$ _____), available upon presentation of _____

1. your sight draft, bearing reference to this letter of credit No. _____; and,
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq. and 35 Ill. Adm. Code 811.713(e).

This letter of credit is effective as of _____ and shall expire on _____; but, such expiration date shall be automatically extended for one period of twelve months starting with the expiration date if the operator fails to substitute alternative financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois landfill

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

closure and postclosure fund in accordance with your instructions.

This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1987, ch. 26, pars. 1-101 et seq.).

Signature

Typed Name

Title

Date

Name and address of issuing institution

This credit is subject to

Appendix A Financial Assurance Forms
Illustration F Certificate of Insurance for Closure and/or Postclosure Care

CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POSTCLOSURE CARE

Name and Address of Insurer ("Insurer"):

Name and Address of Insured ("Insured"):

Sites Covered:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Name

Address

City

Amount insured for this site: \$

Name

Address

City

Amount insured for this site: \$

Please attach a separate page if more space is needed for all sites.

Face Amount

Policy Number

Effective Date

The Insurer hereby certifies that it is licensed to transact the business of insurance by the Illinois Department of Insurance.

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure and postclosure care for the sites identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 35 Ill. Adm. Code 811.714, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Name (Authorized signature for Insurer)

Typed Name

Title

Date

Corporate seal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Appendix A Financial Assurance Forms
Illustration G Operator's Bond Without Surety

OPERATOR'S BOND WITHOUT SURETY

Date bond executed:

Effective date:

Operator:

Operator's address:

Site:

Site address:

Penal sum: \$

The operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the Operator provides closure and postclosure care of the site in accordance with the closure and postclosure care plans for the site.

Operator

Signature

Typed Name

Title

Date

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Appendix A Financial Assurance Forms
Illustration H Operator's Bond With Parent Surety
OPERATOR'S BOND WITH PARENT SURETY

Date bond executed:

Effective Date:

Surety:

Surety's address:

Operator:

Operator's address:

Site:

Site address:

Penal sum: \$

The Operator and Surety promise to pay the above penal sum to the Illinois Environmental Protection Agency ("IEPA") unless the Operator provides closure and postclosure care of the site in accordance with the closure and postclosure care plans for the site. To the payment of this obligation the Operator and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

Whereas the Operator is required under the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(d) to have a permit to conduct a waste disposal operation; and

Whereas the Operator is required, under Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021.1, to provide financial assurance for closure and postclosure care; and

Whereas the Operator and Surety agree that this bond shall be governed by the laws of the State of Illinois; and

Whereas the Surety is a corporation which owns an interest in the Operator;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Operator fails to provide closure and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

postclosure care for any site in accordance with the closure and postclosure care plans for that site as guaranteed by this bond. The Operator fails to so provide when the Operator:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care when ordered to do so by the Board or a court of competent jurisdiction; or
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care in accordance with the closure and postclosure care plans.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Operator has failed to so provide closure and postclosure care. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

In Witness Whereof, the Operator and Surety have executed this bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Operator and Surety.

Operator Surety

Signature Name

Typed Name Address

Title State of Incorporation

Date Signature

Typed Name

Title

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Please attach a separate page if more space is needed for all facilities.

Attached is an Operator's Bond without Surety or an Operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language.)

Gross Revenue Test

1. Gross revenue of the firm \$
2. Gross revenue from waste disposal operations \$
3. Line 2 divided by line 3
Financial Test
Alternative I
1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$
2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$

3. Tangible net worth \$

4. Net worth \$

5. Current assets \$

6. Current liabilities \$

7. Net working capital (line 5 minus line 6) \$

8. The sum of net income plus depreciation, depletion, and amortization \$

9. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S. \$

Yes No

10. Is line 3 at least \$10 million?

11. Is line 3 at least 6 times line 1?

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Corporate seal Corporate seal

Appendix A Financial Assurance Forms
Illustration I Letter From Chief Financial Officer

LETTER FROM CHIEF FINANCIAL OFFICER

Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

I am the chief financial officer of

This letter is in support of this firm's use of the gross revenue test and financial test to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 811.715.

This letter is to demonstrate financial assurance for the following sites:

Operator:

Name:

Address:

City:

Current cost estimate: \$

Operator:

Name:

Address:

City:

Current cost estimate: \$

12. Is line 7 at least 6 times line 1?
13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 14.
14. Is line 9 at least 6 times line 1?
15. Is line 2 divided by line 4 less than 2.0?
16. Is line 8 divided by line 2 greater than 0.1?
17. Is line 5 divided by line 6 greater than 1.5?

Signature

Typed Name

Title

Date

Financial Test
Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above) \$
2. Current bond rating of most recent issuance of this firm and name of rating service
3. Date of issuance of bond
4. Date of maturity of bond
5. Tangible net worth (if any portion of the closure and postclosure cost estimates is included in "total liabilities" on your

- firm's financial statements, you may add the amount of that portion to this line) \$
6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) \$
7. Is line 5 at least \$10 million?
8. Is line 5 at least 6 times line 1?
9. Are at least 90 percent of firm's assets located in the U.S.? If not complete line 10.
10. Is line 6 at least 6 times line 1?

Signature

Typed name

Title

Date

ADMINISTRATION OF SOCIAL SERVICE PROGRAMS
NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: ADMINISTRATION OF SOCIAL SERVICE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 130
- 3) Section Number: 130.321
Proposed Action: Amendment
- 4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking corrects the references to the quantity of commodities issued from "pound" to "package". A prior rulemaking inadvertently omitted the corrected reference. This rulemaking also adds green beans to and deletes egg mix from the available commodities.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation
130.200 Amendment January 26, 1990
(14 Ill. Reg. 1564)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100

NOTICE OF PROPOSED AMENDMENT

South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER C: SOCIAL SERVICES

PART 130

ADMINISTRATION OF SOCIAL SERVICE PROGRAMS

SUBPART A: TITLE XX BLOCK GRANT PROGRAM

Section	
130.10	Program Administration
130.15	Definitions
130.20	Goal of Services
130.25	Service Activities
130.30	Expenditure of Block Grant Funds
130.35	Limitations on Services and Expenditures
130.40	Eligibility For Services
130.45	Opportunity to Apply For and Receive Services
130.46	Client Case Records
130.50	Purchase Of Services
130.60	Record Retention
130.70	Fees For Purchased Services
130.71	Fees For Services Provided Through Grants-In-Aid
130.80	Reporting Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section	
130.100	Applicability Of Other Sections
130.110	Overview
130.120	Program Administration
130.130	Request For Proposal
130.140	Allied Agency Responsibilities
130.150	Funding Mechanism
130.152	Sources of Local Funds
130.154	Sources of Locally Generated Funds Used to Match Title XX Funds
130.158	Donor Restrictions on Donations (Repealed)
130.160	Reimbursement Process - Donations (Transferred Funds or Co-Payments)
130.161	Advance Disbursement System
130.162	Reimbursement Process (Certification of Expended Funds)
130.170	Assignment of Budget Costs

SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section	
130.200	Domestic Violence Shelter and Service Programs

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section	
130.300	Program Administration
130.301	Definitions
130.302	Allocation Methodology for Federal Surplus Commodities
130.310	Distribution Network Agencies
130.311	Local Distribution Centers
130.312	Liability of Distribution Network Agencies
130.313	Reports and Maintenance of Records
130.314	Payment for Distribution
130.315	Second Harvest Shared Maintenance Fees
130.320	Eligibility to Receive Commodities
130.321	Issue Rates of Commodities

SUBPART E: INCORPORATION BY REFERENCE

Section	
130.500	Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 9-1, 12-4.5 through 12-4.7, and 12-13); and Sections 2 and 3 of "AN ACT in relation to domestic relations and domestic violence shelters and service programs", (Ill. Rev. Stat. 1987, ch. 40, pars. 2402 and 2403).

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section	
130.321	Issue Rates of Commodities

Individuals or households which are determined eligible to receive commodities shall receive available commodities in amounts consistent with the amount of each product available and the size of the household unit. If distribution is less than monthly, issue rates may be increased proportionately.

Section 130.321 Issue Rates of Commodities (Cont'd)

Commodity	1-2 persons	3-5 persons	7 + persons
Raisins	1-pound	1-pound	1-pound
Cornmeal	1-pound	1-pound	1-pound
Honey	1-pound	2-pounds	3-pounds
Peanut-Butter	1-pound	2-pounds	3-pounds
Pork	1-pound	2-pounds	3-pounds
Vegetarian-Beans	1-pound	2-pounds	3-pounds
Butter	2-pounds	3-pounds	4-pounds
Egg-Mix	2-pounds	3-pounds	4-pounds
Flour	2-pounds	3-pounds	4-pounds
Raisins	1 package	1 package	1 package
Cornmeal	1 package	1 package	1 package
Honey	1 package	2 packages	3 packages
Peanut Butter	1 package	2 packages	3 packages
Pork	1 package	2 packages	3 packages
Vegetarian Beans	1 package	2 packages	3 packages
Butter	2 packages	3 packages	4 packages
Green Beans	1 package	2 packages	3 packages
Flour	2 packages	3 packages	4 packages

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:
112.110 Amendment
112.151 Amendment
- 4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: Public Law 100-383 provides for the United States government to make restitution payments to Japanese-Americans or Aleutians or their survivors who were relocated or interned during World War II. These payments which will be made in early 1990 are exempt from consideration as both income and assets for Medical Assistance - Grant and Medical Assistance - No Grant cases. Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes X No
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.154	Amendment	December 8, 1989 (13 Ill. Reg. 19117)
112.304	Amendment	January 12, 1990 (14 Ill. Reg. 538)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Amended and Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.404	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	
112.70	Registration Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Full Assessment Process/Development of an Employment Plan
112.76	Project Chance Orientation
112.77	Illinois Work Experience Program Evaluation Project (Renumbered)
112.78	Project Chance Components
112.79	Project Chance Sanctions

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81 Responsible Relative Eligibility For Project Chance
112.82 Project Chance Supportive Services
112.83 Employment Child Care
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers
112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels in AFDC
112.252 Payment Levels in AFDC Group I Counties
112.253 Payment Levels in AFDC Group II Counties
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program
 112.320 Redetermination of Eligibility
 112.330 Six Month Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective

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June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 5475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 13, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984;

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amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19933, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15837, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10623, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11923; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

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Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20510; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 13, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective June 13, 1988; amended at 12 Ill. Reg. 10481, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective February 23, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.110 Exempt Unearned Income

- a) The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.
- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
 - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
 - 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
 - 4) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the

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Section 112.110 Exempt Unearned Income (Cont'd)

Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);

- 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e)
- 6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended;
- 7) Income received under the provisions of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act (Ill. Rev. Stat. 1985, 1987, ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- 8) Payments to volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044 (q)). These include:
 - A) Vista Volunteers,
 - B) Volunteers serving as senior health aids, senior companions, or foster grandparents,
 - C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE).
- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.
- 10) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections [a][1] through [a][10] above) of up to \$30 per person per quarter.

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Section 112.110 Exempt Unearned Income (Cont'd)

- b) The following additional unearned income shall be exempt:

- 1) Social Security death benefit expended on a funeral and/or burial.
- 2) The value of home produce which is used for personal consumption.
- 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under Public Laws 92-254, 93-134 or 94-450 (25 U.S.C. 1407)
- 5) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626)
- 6) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f)).
- 7) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected, in a month.
- 8) Any payment received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1983 (50 U.S.C. 1989b thru 1989b-8).
- 9) Any payments received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 112.151 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) A home which is the usual residence of the assistance unit.
- 2) Clothing, personal effects and household furnishings.
- 3) One automobile if the equity value does not exceed \$1500.
- 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC U.S.C. 2011 et seq.).
- 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC U.S.C. 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 USC U.S.C. 1751 et seq.), as amended.
- 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than income maintenance needs of the child.
- 8) Burial plots.
- 9) Prepaid Funeral Agreements worth \$1500 or less per person.
- 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

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Section 112.151 Exempt Assets (Cont'd)

b) In addition to the above, the following assets are exempt. These assets (listed in (1) through (9) below) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset(s) until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USC U.S.C. 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC U.S.C. 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under Public Law 92-254, Public Law 93-134 or Public Law 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC U.S.C. 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USC U.S.C. 5301 et seq.), effective January 1, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (42 USC U.S.C. 4951 et seq.). These include:

Section 112.151 Exempt Assets (Cont'd)

volunteers (42 USE U.S.C. 4951 et seq.)

A) Volunteers In Service To America (Vista)

B) Volunteers serving as senior health aids, senior companions, foster grandparents or persons serving in the Service Corps of Retired Executives (SCORE) (15 USE U.S.C. 637 et seq.) and Active Corps of Executives (ACE) (15 USE U.S.C. 637 et seq.).

9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.

10) Any payments received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

11) Any payment received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.151 Exempt Assets (Cont'd)

volunteers (42 USE U.S.C. 4951 et seq.)

A) Volunteers In Service To America (Vista)

B) Volunteers serving as senior health aids, senior companions, foster grandparents or persons serving in the Service Corps of Retired Executives (SCORE) (15 USE U.S.C. 637 et seq.) and Active Corps of Executives (ACE) (15 USE U.S.C. 637 et seq.).

9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.

10) Any payments received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

11) Any payment received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

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Section
114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121 Parsons Required to Participate in Employment and Training
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124 Employment and Training Participation/Cooperation Requirements
114.125 Employment and Training Program Orientation
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127 Employment and Training Program Components
114.128 Employment and Training Sanctions
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130 Employment and Training Supportive Services
114.140 Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228 Initial Employment
114.229 Termination of Employment
114.230 Exempt Earned Income
114.235 Recognized Employment Expenses
114.240 Income From Work/Study/Training Program (Repealed)
114.241 Earned Income From Self-Employment

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Section
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services
114.246 Budgeting Earned Income For Contractual Employees
114.247 Budgeting Earned Income For Non-contractual School Employees
114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
114.260 Deferral of Consideration of Assets (Repealed)
114.270 Property Transfers
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels for General Assistance
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.420 Redetermination of Eligibility
114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 at seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

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November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 95, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 43, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory emergency amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June

2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 3115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 907, amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15540, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective

NOTICE OF PROPOSED AMENDMENTS

Section 114.210 Exempt Unearned Income (Cont'd)

November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20389, effective December 14, 1987; amended at 12 Ill. Reg. 989, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective February 23, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under Public Law

NOTICE OF PROPOSED AMENDMENTS

Section 114.210 Exempt Unearned Income (Cont'd)

92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);

- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program (42 U.S.C. 5011) and Older Americans Community Service Employment Programs Program (42 U.S.C. 3056) established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5044(g) 5001 thru 5023), as amended;
- g) Income received under the provisions of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act (Ill. Rev. Stat. 1985-1987, Ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- h) Payments Under Certain Federal Programs
 - 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 U.S.C. 5044(g)). Examples of these programs include RSVP, Foster Grandparents and other programs.
 - 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA.
 - i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act (29 U.S.C. 1501 - 1781).
 - j) Any payment received under Title I of Pub.L. 100-383

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Section 114.210 Exempt Unearned Income (Cont'd)

Section 114.251 Exempt Assets (Cont'd)

of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

- k) Any payment received under Title II of Pub.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

- g) Any payment received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- h) Any payment received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

The following assets are exempt from consideration in determining eligibility for assistance:

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- a) Homestead property.
- b) Household furnishings.
- c) Clothing and personal effects.
- d) Motor Vehicle

- 1) One motor vehicle if the equity value does not exceed \$1500.

- 2) Only one vehicle is exempted per family case. For an adult case, not living with a spouse, one vehicle is exempted. For a husband and wife living together, only one vehicle is exempted. If a case(s) has more than one vehicle, the client(s) can choose to exempt one vehicle if the equity does not exceed \$1,500, and apply the equity value of the other vehicle(s) toward the asset disregard.

- e) The principal and interest of a court ordered trust fund established for a child which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than the income maintenance needs of the child.

- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control (e.g., not available to the client or the

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.235 Amendment
120.281 Amendment
- 4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: Public Law 100-383 provides for the United States government to make restitution payments to Japanese-Americans or Aleutians or their survivors who were relocated or interned during World War II. These payments which will be made in early 1990 are exempt from consideration as both income and Medical Assistance - Grant and Medical Assistance - No Grant cases.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.20	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.61	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)

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NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
120.76	New Section	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.285	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.379	New Section	December 8, 1989 (13 Ill. Reg. 19157)
120.385	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.386	New Section	December 8, 1989 (13 Ill. Reg. 19157)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.13 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20 MANG(AABD) Income Standard (Emergency Expired)
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C) (Emergency Expired)
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.543
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70 Supplementary Medical Insurance Benefits, Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208 Client Cooperation
120.210 Citizenship
120.211 Residence
120.212 Age
120.215 Relationship
120.216 Living Arrangement
120.217 Supplemental Payments
120.218 Institutional Status
120.224 Foster Care Program
120.225 Social Security Numbers
120.230 Unearned Income
120.235 Exempt Unearned Income
120.236 Education Benefits
120.240 Unearned Income In-Kind
120.245 Earmarked Income
120.250 Lump Sum Payments and Income Tax Refunds
120.255 Protected Income
120.260 Earned Income
120.261 Budgeting Earned Income
120.262 Exempt Earned Income
120.270 Recognized Employment Expenses
120.271 Income From Work/Study/Training Program
120.272 Earned Income From Self-Employment
120.273 Earned Income From Roomer and Boarder
120.275 Earned Income In-Kind

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Section
120.276 Payments from the Illinois Department of Children
and Family Services
Assets
120.280 Exempt Assets
120.281 Asset Disregards
120.282 Deferral of Consideration of Assets
120.283 Spend-down of Assets (AMI)
120.284 Property Transfers (Emergency Expired)
120.285 Persons Who May Be Included in the Assistance Unit
120.290 Payment Levels for AMI
120.295

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and
Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining
Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing
Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in
Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining
Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income in-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-
Parent
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts

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Section
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income in Kind
120.376 Payments from the Illinois Department of Children
and Family Services
120.379 Assessment of Assets (Emergency Expired)
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG)
120.385 Property Transfers for Applications Filed Prior to
October 1, 1989 (Emergency Expired)
120.386 Property Transfers Effective for Applications Filed
on or After October 1, 1989 (Emergency Expired)
120.390 Persons Who May Be Included in the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For
AFDC/AFDC-MANG And Infants Under Age One Year
120.392 Pregnant Women Who Would Not Be Eligible For
AFDC/AFDC-MANG If The Child Were Already Born Or Who
Do Not Qualify As Mandatory Categorically Needy
Pregnant Women And Children Under Age Eight Years
Who Do Not Qualify As Mandatory Categorically Needy
Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and
authorized by Section 12-13 of the Illinois Public Aid Code
(Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq.,
5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory
amendment at 2 Ill. Reg. 17, p. 117, effective February 1,
1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5,
1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective
August 30, 1978, for a maximum of 150 days; peremptory
amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1973; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

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1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 9, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective March 5, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.235 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining AMI eligibility.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.235 Exempt Unearned Income (Cont'd)

- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5001 thru 5023), as amended;
- g) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;
- h) Income received under the provisions of the Illinois "Senior Citizens and Disabled Persons Property Tax Relief Act" (Ill. Rev. Stat. 1981-Ch. 1987, Ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- i) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 U.S.C. 5044 (q)). These include:
 - 1) Vista Volunteers (For AMI the income is exempt if the client was receiving public assistance at the time of becoming a Vista Volunteer.)
 - 2) Volunteers serving as senior health aids, senior companions, or foster grandparents.
 - 3) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE).

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NOTICE OF PROPOSED AMENDMENTS

Section 120.235 Exempt Unearned Income (Cont'd)

j) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.

k) Any payment received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

l) Any payment received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 120.281 Exempt Assets

The following assets are exempt from consideration in determining eligibility for AMI.

- a) A home which is the usual residence of the assistance unit.
- b) Clothing, personal effects and household furnishings.
- c) One automobile if the equity value does not exceed \$1500.
- d) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).
- e) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- f) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for child under the National School Lunch Act, as amended.
- g) Donations or benefits from fund raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.281 Exempt Assets (Cont'd)

h) Any payment received under Title I of Pub. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

i) Any payment received under Title II of Pub. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. ____, effective ____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Organizational Chart, Description, Rulemaking Procedure and Programs

2) Code Citation: 2 Ill. Adm. Code 700

3) Section numbers: Adopted Action:
700.40
Amended
Appendix C

4) Statutory Authority: Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01); Egg Market Development Act (Ill. Rev. Stat. 1987, ch. 5, pars. 517, 524 and 526)

5) Effective Date of Amendments: March 2, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 2, 1990

9) Notices of Proposal Published in Illinois Register: Internal rules are not required to proceed through the proposed rulemaking requirements.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: N/A

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

The new locations of overseas and branch offices have been added for the Division of Marketing.

The Marketing Program for Illinois Egg has been repealed because the program is defunct. Section 24 of the Act permits the operation of any program or any part thereof to be temporarily suspended for any period of time not to exceed one marketing year. Because the program has been inactive, meetings of and elections to the council have not occurred, and no checkoffs have been made for several years, the Department is repealing the rules. Further, the council office was closed, all office equipment was sold, and no funds remain in the treasury.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna German

Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE,
AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section 700.10	Scope of the Department of Agriculture
700.20	Division of Administrative Services
700.30	Division of Animal Industries
700.40	Division of Marketing
700.50	Division of Plant Industries and Consumer Services
700.60	Division of Fairs and Horse Racing
700.70	Division of Natural Resources
700.80	Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

Section 700.100	Illinois Department of Agriculture Organization Chart
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SUBPART C: REQUEST FOR INFORMATION

Section 700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED
BY THE DEPARTMENT OF AGRICULTURE

Section 700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

SUBPART E: RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE

Section 700.150	Rules and Regulations Promulgated by the Department of Agriculture
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SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE
PROMULGATION OF RULES AND REGULATIONS

DEPARTMENT OF AGRICULTURE

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Section
700.160

General, Emergency, and Peremptory Rules; Internal Rules (Agency's Organization, Description and Rule-making Procedures)

700.170

Public Participation and Comments

700.180

Consideration of Rules by Advisory Boards

700.190

Public Comment Period; Submission of Written Comments; Extending the Public Comment Period

700.200

Public Hearing Procedure

700.210

Director's Decision

700.220

Second Review Period; Final Disposition of Rulemaking Proposal

700.230

Computing Time

700.240

Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section
700.300

General Rulemaking Initiated by Department

700.310

Rulemaking Requested by Advisory Board or Committee

700.320

Emergency or Peremptory Rulemaking by Department

APPENDIX A

Marketing Program for Illinois Apples and Peaches

APPENDIX B

Marketing Program for Illinois Corn and Corn Products

APPENDIX C

Marketing Program for Illinois Eggs (Repealed)

APPENDIX D

Marketing Program for Illinois Soybeans and Soybean Products

APPENDIX E

Fertilizer Research and Education Program

AUTHORITY: Implementing and authorized by Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01); Appendix A implementing and authorized by the Apple and Peach Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 351 et seq.); Appendix B implementing and authorized by the Illinois Corn Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 701 et seq.); Appendix C implementing and authorized by the Egg Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 503 et seq.); Appendix D implementing and authorized by the Soybean Marketing Act (Ill. Rev. Stat. 1987, ch. 5, pars. 551 et seq.). Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, par. 55.6a, as amended by P.A. 86-232, effective August 15, 1989).

SOURCE: Rules and Regulations Relating to The Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981, codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill.

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Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p. 181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700, Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700, Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700, Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700, Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990.

NOTE: Capitalization denotes statutory language.

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section 700.40 Division of Marketing

- a) The Division of Marketing is comprised of three bureaus.
- 1) The Bureau of Market Development and Information consists of two sections:

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- A) The Market News Section includes the Illinois Federal-State Livestock Market News Service, the Federal-State Grain Market News Service, and transportation assistance to market agricultural products. Daily, weekly and monthly "Market News" and transportation reports are issued.
- B) The Market Service Section develops new marketing opportunities and conducts research aimed at increasing the profitability of agribusinesses. This section administers domestic market development and promotional programs (Illinois Food Expo and Product Evaluation Programs) which are designed to assist both buyers and sellers of Illinois agricultural products increase their markets and enhance the image of Illinois agriculture. The Feeder Pig Grading Program is implemented by this Section under cooperative agreement with the United States Department of Agriculture.
- 2) The Bureau of Agricultural Statistics is a cooperative effort with the National Agricultural Statistics Service of the United States Department of Agriculture and is responsible for the collection and distribution of basic agricultural statistics for Illinois.
- A) Weekly reports issued: Crop-weather reports (April through November).
- B) Monthly reports on: Agricultural prices; field crops, yield per acre and production forecasts during the growing season; dairy production; egg production; livestock slaughtered; and apple and peach production forecasts during the growing season.
- C) Quarterly releases on: Cattle on feed; grain stocks; hog inventory; and pig crop.
- D) Annual or semi-annual reports issued cover: Cattle inventory and calf crop; commercial fertilizer sales; farm labor and wage rates; poultry inventory; manufactured dairy products; timber prices; prospective plantings (planted and acreage for harvest); and processing and major fresh market vegetable production.

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- F) "Annual Summary of Illinois Agricultural Statistics" includes all regularly published series of State estimates and estimates by counties, information on farm numbers, crop acreages, land utilization, livestock numbers, cash receipts for crops and livestock, and products by county.
- F) Special releases are also issued from time to time. A list of reports published by this Section and their content is available on request.
- 3) The Bureau of International Marketing conducts promotional activities and programs within the state and in foreign markets to increase sales of Illinois food and agricultural products worldwide.
- A) It operates the Illinois Agricultural Trade Referral Service, a computerized system developed in conjunction with the Agricultural Marketing Service of the United States Department of Agriculture.
- B) It publishes the annual "Illinois Food Guide" and "Illinois Agribusiness Guide."
- C) It carries on an active schedule of international marketing activities.
- D) It provides international business consulting services to client companies.
- b) Addresses and phone numbers for the Division of Marketing:
- 1) Superintendent, Division of Marketing, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6675.
- 2) Bureau of Agricultural Statistics; Phone 217/492-4295.
- 3) Bureau of Market Development and Information; Phone 217/782-6675.
- 4) Bureau of International Marketing; Phone 217/782-6675.

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- c) Branch Offices:
- 1) Chicago Office, 228 Fairview, Manhattan, 60442; Phone 815/478-4392.
- 2) Market News Branch, Peoria Stockyards, Livestock Division, Foot of South Street, Peoria, 61602; Phone 309/671-3203.
- 3) Market News Branch, National Stockyards, National City, 62071; Phone 618/271-6658.
- d) Overseas Offices:
- 1) BRUSSELS, State of Illinois European Office, Illinois Department of Agriculture, 5 Place du Champ de Mars Box 14, 1050 Brussels, Belgium; Phone 512.01.05.
- 2) State of Illinois Canadian Office, 123 Front Street W., Suite 900, Toronto, Ontario M5J 2M2, Canada.
- 3) HONG KONG, Illinois Far East Office, Illinois Department of Agriculture, 1304 Sincere Building, 173 Des Voeux Road (Central), Hong Kong; Phone 5-451099.
- 4) Oficina Del Estado De Illinois, Paseo de la Reforma No. 450-Piso 4, 06600 Mexico, D.F.; Phone 011.525.208.4450 or 208.2895; Fax 011.525.511.2084.
- 5) Illinois Department of Agriculture (Soviet Union Office), World Trade Center, 321 N. Clarke Street, Chicago 60610; Phone 312/793-4915.
- (Source: Amended at 14 Ill. Reg. 4093, effective March 2, 1990)

Section 700.APPENDIX C Marketing Program For Illinois Eggs

(Repealed)

Agency Note: Section 17 of the "Egg Market Development Act" (Ill. Rev. Stat. 1981, ch. 5, par. 517) requires any egg marketing program that is approved by Illinois egg producers through referendum to be filed by the Department of Agriculture as provided in Section 6 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1006). The filing of the adopted program is exempt from the

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rulemaking requirements of Sections 5 and 5-01 of the Illinois Administrative Procedure Act and the program is exempt from review under Sections 7-04, 7-05, 7-06, 7-07, 7-08 and 7-08 of the Illinois Administrative Procedure Act. In 1973, a Marketing Program for Illinois Eggs was approved through referendum.

ARTICLE I

PURPOSE:

This program is developed to aid and enhance the economic position of Illinois egg producers. It is important that these producers receive and maintain an equitable level of income if they are to continue to produce.

To accomplish this objective it is essential to develop promotion and public relation programs designed to educate handlers, distributors and consumers of the quality and availability of Illinois eggs and their products; conduct market research to develop new and larger markets; establish orderly and efficient methods of marketing eggs; support research when deemed necessary; develop information services; support nationwide egg marketing organizations and cooperate with other states or regional marketing organizations in programs for egg and erect a board to operate this program who will assess and collect monies from affected producers to accomplish these objectives.

ARTICLE II

AUTHORITY:

This marketing program for Illinois eggs, its procedures and regulations is established pursuant to "An Act in relation to the development of marketing programs for eggs," being Public Act No. 77-227, approved August 6, 1972.

ARTICLE III

PROGRAM EXTENT:

All producers of eggs in Illinois who have housed 3000 or more laying hens during the current or preceding calendar year are subject to and are qualified to participate in this program.

ARTICLE IV

DEFINITIONS:

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Terms used in this marketing program shall be defined in the Act and as follows unless the context clearly requires otherwise:

"Act" means "An Act in relation to the development of marketing programs for eggs," Public Act No. 77-227, approved August 6, 1972.

"Bird owner" means any person who furnishes birds for a laying operation whereby he is paid for the birds by sharing in the proceeds of all egg receipts under an egg production contract.

"Commercial quantity" means three thousand dozen or more eggs produced per year.

"Director" means the Director of the Department of Agriculture of the State of Illinois.

"Eggplant" means the governmental divisions of the State established pursuant to this marketing program.

"Department" means the Department of Agriculture of the State of Illinois.

"Egg Market Development Council" means the council established by any marketing program to administer such program in cooperation with the Director hereafter referred to as the "Council".

"Egg" means eggs in the shell that are the product of domesticated chickens.

"Laying owner" means any person who owns or leases a laying house used for egg production whereby he is paid for his services by sharing in the proceeds of all egg receipts under an egg production contract.

"Laid supplier" means any person who furnished feed to a laying operation whereby he is paid for the feed furnished by sharing in the proceeds of all egg receipts under an egg production contract.

"Handler" means any person who engages in the business of preparing for order selling marketing or distributing eggs or egg products on a wholesale basis which he has purchased for the purpose of resale as eggs or egg products or which he is marketing on behalf of a producer and shall include a producer who distributes any

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eggs which he has prepared or which he has processed but does not include a retailer unless such retailer purchases or acquires from or handles on behalf of any producer eggs not previously subject to regulation by any marketing program.

"Person" means any natural person, partnership, corporation, society, association, representative or their fiduciary.

"Processor" means any person engaged in the business of breaking eggs or manufacturing or processing egg ingredients, whole egg, meat, yolks, whites or any mixture of yolks and whites with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or dehydrated.

"Producer" means any person engaged in this State in the business of producing or causing to be produced for any market eggs in commercial quantities.

"Viable voter," "qualified producer," "affected producer" and "bona fide producer" mean any person defined as a producer in this program who has housed 3,000 or more laying hens during the current or preceding calendar year and who sells for any market eggs or egg products and receives payment for such at the first sale. This includes bird owners, facility owner and feed suppliers who are parties to egg production contracts.

"Egg production contract" means a contract entered into by a bird owner or a facility owner or a feed supplier providing for joint egg production and sharing of the egg receipts.

"Retailer" means any person who sells eggs to a consumer.

"Sale" or "sell" means a transaction wherein the property in or to eggs is transferred from the producer to a purchaser for consideration.

"Sett" means offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

ARTICLE V

DEPARTMENT OF AGRICULTURE

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MARKETING PROGRAM AREA

Section 1. Establishment and Membership.

An egg market development council is hereby established with powers and duties as authorized pursuant to the Act and this program. The council shall be composed of 9 members elected from three districts as provided in Section 2 of this Article and an ex-officio member as specified by the Act (Director of Agriculture or designated agent). The 9 members shall be elected three from each district.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the council, the territory of the State of Illinois shall be divided into 3 representative districts as follows:

District I --

The counties of Joliet: Stephenson, Winnebago, Boone, McHenry, Baker, Garrettsville, DeKalb, Kane, Cook, DuPage, Whiteside, Lee, Rock Island, Henry, Bureau, LaSalle, Kendall, Will, Grundy, Kane, Kane, Putnam, Mercer, Warren, Henderson, Knox, Stark and Marshall.

District II --

The counties of Hancock: Adams, Pike, Brown, Schuyler, McDonough, Fulton, Cass, Morgan, Peoria, Mason, Hendricks, Sangamon, Tazewell, Logan, Woodford, Livingston, McLean, De Witt, Macon, Piatt, Monmouth, Ford, Champaign, Douglas, Geisler, Ingham, Vermilion, Scott and Edgar.

District III --

The counties of Gallatin: Greener, Jersey, Macoupin, Madison, St. Clair, Monroe, Randolph, Christian, Montgomery, Perry, Clinton, Washington, Perry, Jackson, Union, Alexander, Shelby, Fayette, Marion, Jefferson, Franklin, Williamson, Johnson, Putnam, Massena, Effingham, Clay, Wayne, Hamilton, Saline, Pope, Cumberland, Jasper, Richland, Edwards, White.

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Gallatin, Hardin, Glark, Crawford,
Lawrence and Webash.

Section 3. Council Membership Qualifications.

Council members shall be residents of the State of Illinois of legal voting age and be subject to the program. Council members shall be producers of eggs in the State of Illinois and in the district in and for which they are nominated and elected. The qualifications of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Terms of Office.

The term of office of a council member shall be three (3) years or until his successor is elected and qualified, except for the initial council which shall be provided in Section 5 of this Act.

A term of office shall terminate on June 30th of the year in which the council member's office expires.

No producer shall serve as a council member for more than two consecutive 3-year terms of office.

Section 5. Initial Council.

The initial 9 member council shall be elected on the same ballot and at the same time the referendum is held on this marketing program.

The initial members of the council shall serve from the effective date of this marketing program in terms of office as follows:

There shall be one (1) seat with a three-year term of office in each representative district one (1) seat with a two-year term of office in each representative district and one (1) seat with a one-year term of office in each representative district.

These initial terms of office shall expire as follows:

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The one (1) year terms shall expire June 30, 1974.

The two (2) year terms shall expire June 30, 1975.

The three (3) year terms shall expire June 30, 1976.

The term of office for each initial council member shall be determined by a drawing at the first meeting of the council. The term of office established by the drawing shall be the term of office for the member's seat from his representative district.

When the initial term of office expires in a district, an election shall be held by the Director as provided in this program and the Act to fill the vacancy.

If the effective date of this program is later than September 30, 1973, then the expiration date of each initial term of office shall be advanced one year.

Section 6. Nominations.

A. Procedure for nominating candidates for election to the initial council.

The Director and temporary operating committee shall appoint in each district a nominating committee consisting of three (3) qualified producers who shall nominate at least four (4) and not more than six (6) qualified producers as candidates for election as the representative members of that district on the initial council. The names of the candidates shall be placed on the referendum ballot.

Each district nominating committee shall, within 15 days after appointment, file with the Director and the temporary operating committee the names of the candidates for its district. The Director and the temporary operating committee shall immediately make public each district's nominating committee report.

B. Procedure for the nomination of candidates in subsequent year elections.

NOTICE OF ADOPTED AMENDMENTS

The council shall, not earlier than February 15th nor later than March 15th, give notice to all producers in each district that a vacancy on the council will occur on June 30th of that calendar year. The council shall, during this period (February 15-March 15), appoint a nominating committee consisting of three (3) qualified producers in each district.

Each such district nominating committee shall nominate two (2) qualified producers as candidates for election as the representative member for the seat becoming vacant in its district that year.

The nominating committee shall file with the Director the names of the candidates to be placed on the election ballot not later than March 30th of the year in which the election is to be held.

6- Procedure for nomination by petition (initial and subsequent years):

1- Initial:

Any qualified producer may have his name placed on the referendum ballot as a candidate for election in his district if he files a petition signed by at least 25 qualified producers.

The petition must be filed with the Director and the temporary operating committee within 15 days after the public announcement of each district's nominating committee report.

2- Subsequent years:

Any qualified producer may have his name placed on the ballot in his district if he files a petition signed by at least 25 qualified producers.

The petition must be filed with the Director not later than April 15th of the year in which the election is to be held in that district.

Section 7- Election

A- Procedure for Election of Council Members to the Initial Council:

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The election of the initial council shall be conducted according to the provisions for conducting referendums as contained in Article VII of this program.

Each eligible voter shall be entitled to vote for three representative members to the council from his district. Each such vote for a representative member shall be counted as one vote regardless of whether or not the voter chose to mark his ballot for all three of the members that he was entitled to vote for.

The three candidates receiving the greatest number of votes at such election shall be elected to the initial council.

B- Election of Council Members in Subsequent Years:

Each district shall hold an election to fill the vacancy created on the council by the expiring term. The election shall be held during the month of May of each year.

The district's representative member of the council for the seat becoming vacant in the district each year shall be elected by mailed ballot. All election ballots shall be mailed by first class mail by the Director to all eligible voters of record in the district in which each election is being held.

This shall be the procedure unless the Director determines as provided in Section 11 of the Act that a geographically located polling place(s) would more readily effectuate the election.

A period of 30 days from the date of mailing of the ballot shall be allowed for the return of such ballots.

Ballots shall be returned to the Director by mail or by personal delivery by the voting producers at such address as may be determined by the Director. This address shall be clearly stated along with the purpose of the ballot and the voting person.

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The election of the initial council shall be conducted according to the provisions for conducting referendums as contained in Article VII of this program.

Each eligible voter shall be entitled to vote for three representative members to the council from his district. Each such vote for a representative member shall be counted as one vote regardless of whether or not the voter chose to mark his ballot for all three of the members that he was entitled to vote for.

The three candidates receiving the greatest number of votes at such election shall be elected to the initial council.

B- Election of Council Members in Subsequent Years:

Each district shall hold an election to fill the vacancy created on the council by the expiring term. The election shall be held during the month of May of each year.

The district's representative member of the council for the seat becoming vacant in the district each year shall be elected by mailed ballot. All election ballots shall be mailed by first class mail by the Director to all eligible voters of record in the district in which each election is being held.

This shall be the procedure unless the Director determines as provided in Section 11 of the Act that a geographically located polling place(s) would more readily effectuate the election.

A period of 30 days from the date of mailing of the ballot shall be allowed for the return of such ballots.

Ballots shall be returned to the Director by mail or by personal delivery by the voting producers at such address as may be determined by the Director. This address shall be clearly stated along with the purpose of the ballot and the voting person.

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Control of ballots for all elections shall be maintained by the Director.

When requested, the Director shall provide with the advice of the council a ballot to any qualified producer whose name does not appear on the list of qualified producers maintained by the council.

The election ballot in each district shall contain the names of the candidates nominated by the district nominating committee and the name(s) of any petitioned candidate(s). The names of the district candidates shall be placed on the ballot in alphabetical order by surname with space provided for a write-in candidate.

Each affected producer shall be entitled to one vote. An affected producer engaged in business in more than one representative district shall vote in that district in which his principal office is located.

A teller committee shall be appointed by the Director to count the ballots and determine the result of the election.

Any information required in the voting procedure shall be held in confidence and not made public in any manner except as required in determining the results of the election.

The candidate receiving the greatest number of votes in the election shall assume the seat vacated by the member whose term expired on June 30th of that year and shall be the district representative in that seat on the council.

The elected council member shall take office effective July 1st of the year in which he is elected.

Section 8- Power and Duties of the Council.

The council shall have the following power and duties:

- (a) To administer, enforce, direct and control the provisions of this program as its administrative

council pursuant to the authority contained in the Act.

- (b) To elect a chairman, vice-chairman, secretary and such other officers as it deems necessary as set by rule and regulation.

- (c) To appoint advisers to the council as deemed necessary.

- (d) To adopt, repeal and amend rules and regulations necessary for the administration and operation of this marketing program.

- (e) To exercise the powers and authority conferred upon it by the Act and any other applicable State or Federal law.

- (f) To keep accurate books, records, accounts and minutes of all council meetings and dealings which shall be open to examination by the Director, other state agencies and affected producer.

- (g) To have the records, expenditures and receipts audited by a registered public accountant at least annually and provide within 30 days after completion of an audit the results to the Director.

- (h) To publish annually an activity and financial report and provide such an affected producer.

- (i) To employ and discharge at its discretion such administrative and other personnel, attorneys, advertising, promotional and research clerks and other persons and firms as it may deem appropriate and pay compensation to the same in accordance with this program and the Act.

- (j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out this marketing program during each fiscal year.

- (k) To collect the assessments from producers as provided in this marketing program and to expend the same in accordance with and to effectuate the purpose of the Act and the program.

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- (1) To accept donations, gifts, and other property to be used for program purposes.
- (2) To receive and investigate or cause to be investigated, complaints and violations of this program and the Act and to take such action as is necessary within this authority.
- (3) To cause fidelity bonds to be filed on all persons necessary to assure the protection of program funds.
- (4) To establish a headquarters from which to operate the program.
- (5) To establish accounts in adequately protected financial institutions to receive hold, and disburse program monies.
- (6) To approve and recommend desirable amendments to the program.
- (7) To perform such other duties which are necessary to the proper operation of this program and as authorized by the Act.

Section 9. Council Procedure and Compensation.

- A- The council shall, by resolution, establish a headquarters which shall be the principal place of business until so changed by the council. Recorder, books, and minutes of council meetings shall be kept at this headquarters.
- B- The council shall hold regular meetings at least quarterly with the time and date thereof to be fixed by resolution of the council; however, the council must hold a meeting during the month of July each year to reorganize the council. Council meetings shall be conducted public meetings.
- C- Election of Council Officers. The officers of the council shall be elected by and from the members of the council annually during the month of July. Each shall hold office until his successor has been duly elected; provided, however, that any officer may be removed from office with cause by an unanimous vote of the remaining members of the council. A vacancy in any office

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- shall be filled by election at the next official meeting of the council.
- D- Newly elected members of the council shall take office on July 1st of each year except that the initial council shall take office immediately upon the approval by referendum of this program. The Director shall administer the oath of office to each new member of the council at such time and place as shall be set.
- E- The ex-officio member of the council (Director of Agriculture) shall call the initial meeting of the council and shall provide until a chairman is properly elected.
- F- Five (5) of the voting members of the council shall constitute a quorum for the transaction of all business and the carrying out of all duties of the council.
- G- Any action taken by the council shall require the majority vote of the members present; provided a quorum is present.
- H- The duties of the chairman shall be to:
 - (1) Preside at all meetings of the council.
 - (2) Call special meetings of the council when deemed necessary.
 - (3) Have general supervision of the affairs of the council and perform all acts and duties usually incident to and required of an executive and presiding officer.
- I- The duties of the vice-chairman shall be to perform the duties of the chairman in his absence and such other duties as determined by the members of the council.
- J- The duties of the treasurer shall be to have custody of all money, property and securities belonging to or under the control of the council and of any fidelity bonds covering officials or employees of the council and cause to be deposited all monies and securities promptly for and in the name of the program in such financial institutions as are approved by the council and to act as chairman in the absence of both the chairman and the vice-chairman.

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J- in the absence of the chairman vice-chairman and treasurer from any duly called meeting and if a quorum is present the members may elect from one of their number a temporary chairman to preside at that meeting of the council.

K- Meetings of the council may be called at any time by the chairman or in case of his absence or incapacity the vice-chairman or treasurer or shall be called by the chairman upon written request of any two or more members of the council such request shall state the time place and purpose of the meeting.

L- The members of the council shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers.

M- Council members may receive compensation as set by rule and regulation at a rate not to exceed \$25.00 per day or portion thereof except the rate shall be set at \$25.00 per day for the first two years of operation.

Section 10- Limitation of Liability of Council Members and Employees

Obbligations incurred by the council and any other liabilities or claims against the council shall be enforced only against the assets of the council in the same manner as if it were a corporation and no liability for the debts or actions of the council shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any council or board established pursuant to the Act or the assets thereof or against any member officer employee or agent of the council in his individual capacity. The members of the council including employees thereof shall not be held responsible individually in any way whatsoever to any person for errors in judgment mis-taker or other action either of commission or omission as principal agent person or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any other member of the council. The liability of the members of the council shall be several and not joint and no member shall be liable for the default of any other member.

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Section 11- Council Vacancies

Procedure for filling vacancies occurring on the council during an unexpired term of office shall be filled by the Director with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district representative in that seat on the council for the duration of the unexpired term of office.

The remaining members of the council shall immediately upon vacancy occurring on the council appoint a nominating committee of three producers from the district having the vacancy. This nominating committee shall within 15 days after appointment submit to the Director the names of at least three (3) qualified producers from the district as nominees. The Director shall within 10 days of receipt of the names of the nominees appoint one (1) to fill the unexpired term of office.

ARTICLE VII

REFERENDUMS

The Director shall hold referendums as they pertain to this program as provided for in such Sections as 8, 9, 11, 13 and 15 of the Act.

All referendums shall be by a ballot mailed by first class mail to all eligible voters of record unless the Director determines as provided in Section 11 of the Act that geographically located polling places would more readily effectuate the purpose of the referendum.

A period of 30 days from the date of mailing of the ballots shall be allowed for the return of such ballots.

The initial program adoption referendum ballot shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the council. The referendum ballot used in each district will contain only the names of the candidates for the district. The names of the candidates in each respective district shall be placed on the ballot in alphabetical order by surname with space provided for a write-in candidate.

The Director shall provide with the advice of the temporary operating committee or the council whichever the case may be

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ballot to any qualified producer whose name does not appear on the list of qualified producers maintained by the Director in the case of the initial referendum or by the council after their establishment.

Control of ballots for all referendums shall be maintained by the Director.

Ballots shall be returned to the Director by mail or by personal delivery by the voting producers at such address as may be determined by the Director. This address shall be clearly stated along with the purpose of the ballot and the voting period. All such information shall be at the head of the ballot.

Each affected producer shall be entitled to one vote. An affected producer engaged in business in more than one representative district shall vote in that district in which his principal office is located.

A teller committee to count the ballots and determine the results of the referendum shall be appointed by the Director and the temporary operating committee.

Any information required in the voting procedure shall be held in confidence and not made public in any manner except as required in determining the results of the referendum.

A program or an amendment to a program or the questions of continuation or termination of a program is approved when a majority of those voting vote in favor of said proposal.

ARTICLE VIII

PROGRAM:

Section 17. Advertising and Sales Promotion:

A- The council, subject to the provisions of this program and the Act, is authorized to plan, prepare, administer and conduct programs and expend monies for advertising and sales promotion to promote the sale of Illinois eggs in domestic and foreign markets for the purpose of maintaining existing markets or creating new or larger markets for eggs produced in the State of Illinois, including but not limited to the following:

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(1) Increasing the sale and consumption of Illinois produced eggs whether shell or processed through the use of any advertising media available.

(2) Trade promotion and market expansion activities.

(3) Preventative modification or elimination of trade barriers which restrict the free flow of eggs produced in the State.

(4) Presentation of facts to and negotiations with State, Federal or foreign governmental agencies on matters which affect the marketing of eggs produced in Illinois, including cooperation with any agency or group in efforts to increase consumption and utilization of eggs and such other activities and programs which are consistent with the objectives of this marketing program and the Act.

B- In carrying out any advertising and sales promotion plans or programs, the council may engage or hire such advertising media as necessary to accomplish the purposes of this program and the Act, and may cooperate with others in engagement and hire of such media, and may use any other methods consistent with this program and the Act which the council considers appropriate in promoting or creating new and larger markets for eggs, or maintaining existing markets.

C- Programs and plans adopted by the council under this program shall be directed toward the promotion of the sale of eggs and their products without reference to any individual brand, trade name or private label. Sales and advertising programs so conducted shall not displace the value, quality, safety or use of any other natural commodity or make any use of any unwarranted or false claims on behalf of eggs.

Section 2. Research:

A- The council, subject to the provisions of this program and the Act, is authorized to carry on or cause to be carried on any necessary and proper marketing project, including distribution or handling research or survey studies related to eggs and egg products and to expend monies for such purposes.

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8- The advice of the Agricultural Experiment Station, College of Agriculture, University of Illinois, and also the Colleges of Agriculture at other state supported colleges and universities may be sought by the council in the development of research proposals. Insofar as practical, such research shall be carried out by the Experiment Station and the state colleges and universities.

6- Such research and survey studies may include, but shall not be necessarily limited to the following:

- (1) Production problems, such as investigating techniques which could lead to lowering production costs.
- (2) Improving storage and handling techniques which promote more efficient operation in the marketing and distributing of eggs.
- (3) Investigating transportation rates, handling costs, routes, method and other aspects of moving eggs in trade channels. If the council after such investigation finds transportation service rates, cost or other factors to be restricting the free flow of eggs produced in this State, the council may request that the Director take necessary action to correct the situation.

(4) Conduct market research investigations to improve the marketing of eggs at any stage of the marketing process deemed advisable by the council.

9- The Council may, in addition to the activities enumerated above, carry on or cause to be carried on any other proper and necessary research and survey programs and activities consistent with and subject to the limitations of the Act. Such research or survey studies may include the collection of data and information relating to eggs, the analysis of such data and information, the dissemination of such data, information and analysis, and such other investigations that fall within the scope of the producer's handling, distribution or marketing of eggs.

Section 3- Market Development Program.

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A- The council, subject to the provisions of this program and the Act, is authorized to plan and establish market development programs which will result in the opening of new markets for eggs and egg products or which will result in the expansion of existing markets. These activities may be carried out in connection with research, educational, advertising, promotion, or any other program or programs available to the council, and may include but are not limited to the following:

- (1) Preparing and disseminating marketing information to include supply information, demand information, quality characteristics, and other facts concerning eggs.
- (2) Sending representatives, groups and individuals to visit markets and potential markets for eggs and egg products both domestic and foreign, for the purpose of providing information relative to Illinois eggs and egg products.
- (3) Participating in trade fairs, exhibition, food shows and other such activities for the purpose of developing markets.

Section 4- Education Program.

The council is authorized to provide educational materials and to develop and conduct educational programs pertaining to eggs and egg products.

The educational program established pursuant to this authority shall emphasize the results of research, market development and other programs sponsored, supported or otherwise implemented by or for the council. The council may seek the opinion and advice and consent of colleges, universities and other educational institutions prior to the adoption of any educational program relating to eggs and egg products.

Section 5- Unfair Competition.

The council is authorized to recommend action be taken by the Director to investigate unfair trade practices and to correct when possible trade practices which hinder the marketing of eggs and egg products.

ARTICLE IX

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AMENDMENTS+

Section 1- Assessments levied+

On and after the effective date of this program there is levied and shall be collected by the council as provided by Sections 18 and 21 of the Act an assessment upon all eggs produced in Illinois which are subject to this program. Such assessment shall be paid by each producer upon all eggs sold as set forth in Section 2 of this Act; after however no assessment shall be collected on the following:

- (a) Eggs of a producer-owned production used by him on his own premises for personal consumption.
- (b) Eggs or egg products donated for charitable purposes.
- (c) Eggs produced and sold by a person whose production is exempted by this program from the provisions of this program.
- (d) Eggs produced from breeding flocks, the majority of which are used for the purpose of hatching baby chicks.
- (e) Eggs produced and used solely for private research and not sold for consumption.
- (f) Eggs produced by public institutions.

It shall be the duty of the council, pursuant to Section 4 of the Act and as authorized in this program, to determine as shall be necessary and to verify identification of producers of eggs in Illinois whose production of eggs is less than the quantity set by this program for a producer to be subject to this program.

To facilitate factual and accurate information services and to provide a basis for budget estimation and adjustments, each egg producer shall file with the council each year by July 1st, on forms prescribed and supplied by the council, an estimate of the number of hens housed or to be housed and the number of eggs to be marketed, including the intended disposition of such to processor, storage or other sales or shipment.

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ARTICLE X

PAYMENT AND COLLECTION OF ASSESSMENTS

Section 1- Assessment Procedures+

A- All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producer who shall be liable therefor as provided by Sections 18 and 21 of the Act.

B- Such assessments shall be collected from the producers by the first buyer of the eggs whether purchased by processor, packer, egg breakers or handlers and such first buyer shall deduct the full amount of the assessment from the total monies due to the producer and shall account for report on and remit to the council all monies collected on a monthly basis before the end of the month following the month of payment to the producer. Producer packers and producer processors shall be responsible for remitting fees on their own production to the council on a monthly basis.

Section 2- Assessment Rates+

The assessment rate shall be set by the council and may be changed as deemed necessary by the council. No assessment rate set by the council as provided herein shall exceed one-fifth of one cent per dozen eggs.

ARTICLE XI

RIGHT OF REFUND+

A- Any producer subject to this program may request that each assessment paid by him be refunded. Such request for refund shall be made to the council on forms provided by the council.

B- Each such request shall be delivered to the office established by the council by certified mail or in person and must be received within 30 days of receipt of each assessment by the council.

C- The council shall establish regulations and procedures to insure the refund of such assessments as are requested.

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B- The council shall give reasonable notice to all producer, processor, packer and handlers of all changes in regulations and procedures and any amendments thereto.

ARTICLE XII

FUNDS+

Section 1-

The council shall deposit all monies collected pursuant to this program in an account as established in Article VI of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher draft or check bearing the signature of the treasurer or one other person designated by majority vote of the council, which person shall be either a member or an employee of the council.

Section 2-

Monies collected by the council pursuant to the Act and this program as assessments shall be used by the council only for the purpose of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the Act and this program.

ARTICLE XIII

INFORMATION REPORTS+

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the council as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person save a person with the right to obtain the same or any attorney employed by the council to give legal advice thereon or by court order.

ARTICLE XIV

RULES AND REGULATIONS+

Section 1-

A public hearing must be held on all rules and regulations before they are adopted by the council or the

DEPARTMENT OF AGRICULTURE

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Department- Public notice of such hearings shall be in accordance with "An Act in relation to meetings, approved July 11, 1957, as amended (Chapter 102, Paragraph 41 et seq., Illinois Revised Statutes)".

Section 2-

All rules and regulations adopted by the council pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the council and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with "An Act concerning administrative rules," approved June 14, 1951, as amended (Chapter 127, Paragraph 263 et seq., Illinois Revised Statutes)".

Section 3-

All rules and regulations promulgated pursuant to the Act shall be made available to those persons affected by this program and the Act.

ARTICLE XV

APPEALS+

Section 1-

Any person subject to this program may appeal to the Director and the council to review any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section 2-

Pending the disposition of any appeal set forth in Section 1 of this Article the party shall abide by the decision unless the Director shall rule otherwise. The Director shall, if the facts stated show reasonable grounds, reverse any order or decision upon which an appeal is taken.

ARTICLE XVI

DEROGATION+

Nothing contained herein in or shall be construed to be in derogation or in modification of the rights of the Director or of the

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power to exercise any powers granted by the Act or otherwise and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XVII

COOPERATION WITH OTHER AGENCIES.

The council with the assistance of the Director and subject to the provisions of the Act is authorized to cooperate with agencies of the United States Government, the State of Illinois, and other states as deemed by the council and the Director to be desirable and useful in effectuating the purposes of this program and the Act.

(1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

(2) Coordination of purposes with other boards, commissions, or any other marketing group in the state or other states, state or foreign countries so long as such cooperation is in the best interest of the egg producers of Illinois.

ARTICLE XVIII

SUGGESTIVE TIME.

This marketing program and any amendments thereto shall become effective immediately upon their being approved by referendum and shall continue in effect unless suspended by the Director as provided in Section 24 of the Act or terminated by referendum as provided in Section 13 of the Act.

ARTICLE XIX

SUGGESTIVE TIME.

If any provision of this marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

DEPARTMENT OF AGRICULTURE

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ARTICLE XX

PENALTIES.

Section 1.

"All assessments on eggs marketed are due and payable to the council. Any due and payable assessment required under the provisions of any program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the council when payment is stipulated in the program and called for by the council. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 23. When established that the assessment is correct, the council may add to the unpaid assessment or sum a penalty amount not exceeding 10% of the amount due to defray the cost of enforcing the collection of the assessment or sum due. In the event of failure of a person to remit any properly due assessment or sum, the council may bring a civil action against such person in the Circuit Court of any county for the collection thereof, together with the above additional specified 10% penalty assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable."

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this act where obligated to comply by a duly approved marketing program. The Director or council may institute any action which is necessary to enforce compliance with this Act, any rule or regulation thereunder or any marketing program adopted pursuant to this Act, in addition to any other remedy the Director or council may petition for injunctive relief without being required to allege or prove the absence of any other adequate remedy. Such action shall be brought in the Circuit Court of any county.

Any person who violates this Act or any program or any rule or regulation promulgated thereunder shall be fined not less than \$100 nor more than \$1,000 or be

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imprisoned in a penal institution other than a penitentiary for not more than 6 months or both. Each day's violation constitutes a separate offense.

Before the Director or council may institute any proceedings under this Act, the alleged violator must be given an opportunity to present his views to the Director and the council as to why such proceedings should not be instituted.

1 Quote from Section 21 of "An Act in relation to the development of marketing programs for eggs," being Public Act No. 77-2279, approved August 8, 1972.

2 Quote from Section 23 of "An Act in relation to the development of marketing programs for eggs," being Public Act No. 77-2279, approved August 8, 1972.

(Source: Repealed at 14 Ill. Reg. 4093, effective March 2, 1990.)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Administration of the Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Adopted Action:

1501.111	amendment
1501.302	amendment
1501.303	amendment
1501.308	amendment
1501.406	amendment
1501.501	amendment
1501.503	amendment
1501.508	amendment
1501.509	amendment
1501.510	amendment
1501.515	amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 122, Pars. 102-4 and 102-12

5) Effective Date of Amendments: March 1, 1990

6) Does this Rulemaking contain an Automatic Repeal Date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 25, 1990

9) Notice of Proposal Published in Illinois Register? November 3, 1989

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Section 1501.302(f)(3)(C) through (F) has been modified to state:

C) Demonstrated thorough local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.

D) Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment.

E) Demonstrated, in accordance with subsections (a)(5), (a)(6) and Section 1501.510, that the college has adequate facilities, equipment, and financial resources to offer a quality program.

F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.

Section 1501.303(a)(2)(E) has been withdrawn.

In Section 1501.509, we have renumbered Sections 1501.509(f) to (e), (g) to (f), (h) to (g), and (i) to (h).

References to repealed Section 2-16.01 of the Act have been removed.

References to 13 Ill. Reg. have been changed to 14 Ill. Reg. in the Source and Section Source notes.

Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

Will this amendment replace an emergency amendment currently in effect? No

Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1501.302	amendment	13 Ill. Reg. 18025
1501.501	amendment	13 Ill. Reg. 18025
1501.517	amendment	14 Ill. Reg. 00014

Summary and Purpose of Amendments:

Sections 1501.111, 1501.308, 1501.406, and 1501.510

These amendments deal with reporting requirements for community colleges. They are designed to coordinate survey responses, allow for more timely provision of data used for program review and evaluation, and provide a formal check on the accuracy of unit cost submissions.

Section 1501.302

The purpose of this amendment is to provide a process for community colleges to discontinue programs when they are not in demand and later reactivate the programs without going through the regular program approval process.

Section 1501.303

These revisions are to clarify, in terms of the academic calendar, what days count as days of instruction and what exceptions can be provided for a shorter term.

Sections 1501.501, 1501.503, 1501.508, 1501.509, and 1501.515

These amendments are designed to provide clarity and consistency to ICCB rules dealing with obligation of funds, confirmation of grants, uniform financial statements, auditors, and audits of federal grants.

Information and questions regarding these adopted amendments shall be directed to:

David L. Steelman
Associate Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0028

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements
1501.112	Certification of Organization
1501.113	Administration of Mandatory and Voluntary Annexations and New District Formations

SUBPART B: RECOGNITION

Section	
1501.201	Definition of Terms
1501.202	Recognition Provisions
1501.203	Evaluation
1501.204	Review and Appeal
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AUTHORITY: Implementing and authorized by Article II and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 122, pars. 102-1 et seq. and 102-2.3.01)

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; amended at 14 Ill. Reg. 4126, effective March 1, 1990.

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section 1501.111 Reporting Requirements

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office.

- January 1 - construction project status reports (see Section 1501.607(a) 1501-606-(a))
- January 31 - certificate of tax levy (see Section 1501.510(e) 1501-510-(d))
- February 15 - community education and community services survey and winter quarter/spring semester enrollment survey (see Section 1501.406(a) 1501-308-(a))
- March 1 December 15- faculty and staff characteristics data (Pl) (see Section 1501.308 (a))
- April 1 - spring quarter enrollment survey (see Section

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- June 15 May 30 - 1501.406(b)) occupational follow-up study data for specified curricula colleges (FS) (see Section 1501.406(c) 1501-308-(a))
- July 1 - construction project status reports (see Section 1501.607(a) 1501-606-(a))
- summer enrollment survey (see Section 1501.406 (b))
- August 1 - special populations disadvantaged--student grant report (see Section 1501.508 (d))
- application--for-economic-development--grant-funds (see-Section-1501-509-(a))
- economic development grant report (see Section 1501.509 (f))
- advanced technology equipment grant report (see Section 1501.515(d) 1501-515-(h))
- Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(a) 1501-510-(b))
- program review report (see Section 1501.303 (d))
- program review listing (see Section 1501.303 (d))
- credit hour certification verification, final report (see Section 2-16 of the Public Community College Act) (see-111--Rev---Stat--1983--ch-1227-par--102-16)
- annual student enrollment and completion data (Al) (see Section 1501.406 (a))
- application for recognition for specified colleges (see Section 1501.202 (d))
- unit cost data (see Section 1501.510(b) 1501-510-(a))
- audit confirmation of ICCB grants and district credit hours by the external auditor (see Section 1501.503 (b))
- tax revenue survey (see Section 1501.501 (c))
- fall enrollment survey (see Section 1501.406 (b))
- fall El data (see Section 1501.406 (a))
- annual salary data for faculty and staff (see Section 1501.308(b) 1501-308-(d))
- external audit (see Section 1501.503 (a))
- special populations disadvantaged--student grant audit (see Section 1501.503 (a))
- economic development grant audit (see Section 1501.503 (a))
- advanced technology equipment grant audit (see Section 1501.503 (a))
- fiscal year budget (see Section 1501.504)
- certificate of chargeback (see Section 1501.505 (a))
- unexpended special populations disadvantaged

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- student grant funds (see Section 1501.508 (f))
- unexpended economic development grant funds (see Section 1501.509 (h))
- out-of-district tuition calculation (see Section 1501.505 (a))
- audit/unit cost reconciliation statement (see Section 1501.510(d))
- annual financial statements and notice of publication (see Section 1501.506)

November 1
December 1

30 days after the end of each term - course resource data and credit hour claims (see Section 1501.606(b) and Section 1501.507 (a))

60 days after the end of the fall term - inventory of facilities (see Section 1501.606 (c))

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

SUBPART C: PROGRAMS

Section 1501.302 Units of Instruction, Research, and Public Service

- a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction are:

- 1) Mission and Objectives.
 - A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Public Community College Act #11--Rev.--Stat-1983--ch--127--par--101-2-(e).
 - B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.
- 2) Academic Control.
 - A) The design, conduct, and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.
 - B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 103-17 of the Act where applicable.
- 3) Curriculum.
 - A) The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.
 - B) The range of total number of credit hours required for completion of an associate degree curriculum shall be within

the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;
 - ii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework; and
 - iii) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.
- B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:
- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 60 percent of the total number of credit hours for completion;
 - ii) For the Associate in Applied Science degree, the general education component required will represent no less than 25 percent nor more than 50 percent of the total number of credit hours required for completion; and
 - iii) For the Associate in General Studies degree, the general education component required will represent no less than 30 percent of the total number of credit hours required for completion.
- 4) Faculty and Staff.
- A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.
 - B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.
 - C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.
- 5) Support Services.
- A) Facilities, equipment, and instructional resources (e.g.,

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laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.

B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.

C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.

6) Financing.

A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.

B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.

7) Public Information.

The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

8) Accreditation and Credentialing.

A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.

B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.

9) Program Needs and Priorities.

A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.

B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other institutions in the district.

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b) Approval of New Administrative Units of Research or Public Service. An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:

1) The proposed new administrative unit shall be authorized by the Board of Trustees.

2) The objectives of the proposed new administrative unit are consistent with the mission of the college [see Section 1-2(e) of the Public Community College Act] ~~see-III-Rev-Stat-1989-ch-~~ 122-par-102-2(e).

3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.

4) The proposed new administrative unit shall administer at least one public service or research program.

5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.

6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.

c) Withdrawal. An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on forms supplied by the ICCB.

d) Reasonable and Moderate Extensions.

1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsection (d)(2) through (4) ~~Section-1581-302(d)(2)-through-(4)~~. The college shall notify the ICCB of such extensions on forms provided by the ICCB.

2) Reasonable and moderate extensions of previously approved units of instruction include:

A) The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the objectives of the unit of instruction;

B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.

C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.

D) The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:

i) the option created is within the same general academic

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discipline or occupational field as the previously approved unit of instruction,

ii) the option created within a previously approved associate degree curriculum requires the same first-year sequence of courses as the previously approved unit of instruction, and

iii) the option created does not substitute more than twelve (12) semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or substitute more than six (6) semester credit hours of other courses for courses previously approved as part of a certificate curriculum of one year or more.

E) The creation of certificate curricula from previously approved associate degree curricula, providing no new courses are added for certificates of up to thirty (30) semester credit hours or no more than six (6) semester credit hours are substituted in certificates of thirty (30) semester credit hours or more.

3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.

4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.

e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to nine (9) hours of a program approved at one college may be offered by any other college in the district at the option of the Board.

f) When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public.

1) An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory File with the date that it became inactive for a period of at least ten years. The effective date that a unit of instruction becomes inactive shall be determined by the college.

2) A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has completed the following:

A) Obtained approval to reactivate the program from its chief executive administrator.

B) Obtained approval to reactivate the program from agencies

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that license, certify, or accredit the program, if appropriate.

C) Submitted a notification to the ICCB.

3) A unit of instruction that has been inactive for three to ten years may be reactivated by the Executive Director of the ICCB if the college has completed the following:

A) Obtained approval to reactivate the program from its chief executive administrator.

B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.

C) Demonstrated through local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.

D) Conducted a review of the program with representatives from business and industry including onsite visits and advice regarding current technologies and equipment.

E) Demonstrated, in accordance with subsections (a)(5), (a)(6) and Section 1501.510, that the college has adequate facilities, equipment, and financial resources to offer a quality program.

F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.

G) Submitted a request for the reactivation to the ICCB.

4) A unit of instruction that has been inactive for over ten years may be reactivated by following the new unit approval process described in subsection (a).

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.303 Program Requirements

a) Comprehensive program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.

b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.

c) Honorary Degrees. Honorary degrees awarded by a Board shall be limited to the associate degree.

d) Review and Evaluation of Programs.

1) Each college shall have and implement a systematic, college-wide program review and evaluation process for evaluating both instructional programs and student and supporting services on a five-year cycle. If the college's special circumstances indicate a longer cycle would be beneficial, the college may request an

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exception by submitting an explanation of the special circumstances and the college's plan for program review based on a longer cycle to the ICCB. The ICCB will grant the exception when a longer evaluation cycle had been established previous to FY 1984 or if the college has more than ten (10) programs to evaluate. A written response to the request for exception will be submitted to the college within thirty (30) days of receipt of the request.

2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.

3) Each college shall keep on file a copy of the process adopted and individual program review for ICCB Recognition purposes.

4) Each college shall submit to ICCB a list of programs to be reviewed in the following year and a summary report of the previous year's program review results by August 1 each year.

e) Academic Calendar. A college shall operate on an academic calendar which provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction) sufficient instructional days to meet the contact-hour requirements of courses approved by the ICCB and which maximizes access to education for students. Unless the college utilizes a unique instructional schedule (e.g., a four-day week), the regular academic year shall consist of at least 150 days during which a full schedule of classes is offered. Registration, testing, and orientation shall not be counted toward the 150-day requirement.

1) The days of instruction prescribed in subsection (e) above shall include all days when there is a full schedule of classes and support services but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.

2) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e).

3) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).

4) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB Executive Director to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).

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5) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e) prior to the effective date of this revision, it may continue to operate under the provisions of that contract until that contract is renegotiated or expires.

f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in such areas in which the work experience and related training is the principal learning medium.

g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.

h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies which are adequate for effective teaching and learning.

i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.

j) Apprenticeships. A college which participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U. S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, state, and local governmental rules, regulations, and guidelines.

k) Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:

- 1) The student may pass an appropriate examination at the college;
- 2) The student may complete, with a passing grade, a specified course that includes all subject matter identified above; or
- 3) The college may accept evidence that the student has met the examination requirement in his/her high school in Illinois, as long as the meeting of the requirement is clearly identified on the high school transcript or the Illinois High School Equivalency Test Program certificate. Such evidence authorizes the college to make a similar notation on the student's transcript.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

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Section 1501.308 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Basic characteristics, including but not limited to sex, date of birth, ethnic classification, highest degree earned, tenure status, and employment or teaching areas, of the faculty and staff employed by the college as of October 1 during the fall term shall be submitted on or before December 15 March-1 of each year.
- b) Annual salary data for its faculty and staff by October 15 of each year.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

SUBPART D: STUDENTS

Section 1501.406 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Basic characteristics, including sex, date of birth, ethnic classification, and instructional area of enrollment, of each student enrolled in all courses offered for credit during each term within the following schedule:

- 1) Students enrolled as of the end of the regular registration during the fall term shall be reported on or before October 1 of that year.

- 2) Students enrolled and/or completing a certificate or degree program during the fiscal year shall be reported on or before August 1.

- b) Student headcount and full-time equivalent enrollments as of the end of regular registration for each term within the following schedule:

- 1) Summer Term: On or before July 1

- 2) Fall Term: On or before October 1

- 3) Winter Quarter: On or before February 15

- 4) Spring Semester: On or before February 15

- 5) Spring Quarter: On or before April 1

- c) Colleges which are designated to participate in the Vocational Education Data System (34-ERR-406-116)-occupational follow-up study sample shall conduct a follow-up study of all students who completed specified any-of-the occupational/career curricula during the previous fiscal year and shall report the results of this study on or before May 30 June-15 of that year in a format prescribed by the ICCB. Curricula to be included in the study will be specified in the ICCB Occupational Follow-up Study Manual.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

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SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The Advanced Technology Equipment Grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16-01 of the Act).

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts: an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Economic Development Offices. Business assistance centers and economic development offices are entities at community colleges that conduct, coordinate, and assist with economic development activities.

Economic Development Activities. Economic development activities create or retain jobs and increase employment opportunities.

Economic Development Grants. Economic Development Grants provide funds for conducting economic development activities.

Repair and Renovation Grants. Repair and renovation grants are state grants appropriated to the ICCB and distributed proportionally to each community college district based on the latest fall on-campus non-residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair, and installation of capital facilities; cost of planning, supplies, equipment, materials, and services; and all other

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expenses required to complete the work.

Resident of a District. For purposes of ICCB grants only, a "resident of a district" is a student who meets the following criteria:

If unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in the district.

If emancipated, the student shall have lived in the district, in some capacity other than as a student at a post-secondary education institution or a resident of a state or federal correctional institution, for a period of at least thirty (30) days prior to enrolling at the community college, unless evidence is presented that the student has permanently relocated for purposes other than attending school. Evidence of district residency shall be based on ownership and/or occupancy of a dwelling in the district and at least one of the following:

An Illinois driver's license;

An Illinois automobile license registration;

An Illinois voter's registration card;

A document showing the student's past or existing status as a district student, e.g., a high school transcript.

Other non-self-serving documentation.

Resident of Illinois. For purposes of payment of ICCB grants, a "resident of Illinois" is a person who meets the following criteria:

If unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in Illinois.

If emancipated, the student shall be a legal resident of the State of Illinois and have lived in Illinois, in some capacity other than as a student at a post-secondary education institution, for a period of at least thirty (30) days prior to enrolling at the community college, unless evidence is presented that the student has permanently relocated for purposes other than attending school. Evidence of legal residency shall be based on ownership and/or occupancy of a home in the State of Illinois and one of the following:

An Illinois driver's license.

An Illinois automobile license registration.

An Illinois voter's registration card.

Employment in the State of Illinois.

Payment of Illinois income tax.

A document showing the student's past or existing status as an Illinois student, e.g., a high school record.

Other non-self-serving documentation.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including

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tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the non-disadvantaged non-special populations student. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.503 Audits

a) External Audits.

1) Three (3) copies of the annual external audit shall be submitted to the ICCB on or before October 15, following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the Executive Director before October 1, following the close of the fiscal year. This request shall be accompanied by an explanation of the circumstances which cause the report to be delayed along with an estimated date for submission.

2) Each audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a state grant compliance section which shall include a schedule of enrollment data, a verification of enrollment data, a schedule of the district equalized assessed valuation and the statutory calendar year allocation of Corporate Personal Property Replacement Taxes for debt retirement, and schedules for the restricted grants distributed by the ICCB and received by the district in the manner and format established by the ICCB, and a schedule of federal financial assistance and related reports as prescribed by the federal Office of Management and Budget.

A) The special populations grant schedules shall verify that special populations grant funds received by the district

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were expended in accordance with Section 1501.508(c) and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet. Multi-campus districts shall submit a single report for the district which includes separate statements for each college as such relate to Section 1501.508(e).

B) The economic development grant schedules shall verify that the economic development grant funds received by the district were expended in accordance with Section 1501.509 and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

C) The advanced technology equipment grant schedules shall verify that the advanced technology equipment grant funds were expended in accordance with Section 1501.515 and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

D) The retirees health insurance grant schedules shall verify that the retirees health insurance grant funds were expended in accordance with Section 1501.517. The repair and renovation grant portion of the audit shall verify that the funds were received by the district in accordance with Section 1501.509, and shall include an "Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

b) Confirmation of ICCB Grants and District Credit Hours. For the purposes of confirming district records, each district shall request that its external auditor request from the ICCB a report of grants received and reimbursable student credit hours generated by the district during the fiscal year. Each district shall notify its independent external auditing firm of this requirement and will instruct that firm to make the request using the format prescribed by the Board. An audit confirmation shall be made to the ICCB for all ICCB grants received during the fiscal year. Each district will be provided a listing of grants made to the college by September 1 following the close of each fiscal year. The district shall confirm to the ICCB by October 15 that all of the grants made to the district for the fiscal year were received by the district.

c) After receipt of the external audit, the district shall reconcile its audited expenditures to previously submitted unit cost data. The reconciliation shall be submitted on forms provided by the ICCB.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.508 Special Populations Grants

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a) Special populations grant funds shall be allocated annually to each Illinois public community college district in accordance with Section 2-16 of the Act.

b) Special populations grant funds shall be accounted for in a restricted purposes fund.

c) The following are allowable expenditures for special populations grant funds:

1) Personnel. Salaries and benefits for courses and services provided only to special populations students.

A) Tutors, both student and professional.

B) Counselors and paraprofessional counselors who spend a minimum of fifty (50) percent of their time working with special populations students.

C) Adult basic/secondary and remedial education instructors, not to exceed thirty (30) percent of the total special populations grant per district.

D) Direct support service personnel for assistance to students with disabilities, e.g., readers, notetakers, and drivers.

E) Professional and paraprofessional staff who provide outreach services and special retention programs designed for special populations students.

2) Testing and Assessment Materials. Testing and assessment materials used to identify special populations students.

3) Instructional Materials. Books, media packages such as computer software, and testing and evaluation materials provided only to special populations student.

4) Instructional Equipment. Lease or purchase of, e.g., tape recorders, small computers, and readers provided only to special populations students.

5) Travel related only to special populations student activities for both college personnel and students.

A) Special populations student activities such as field trips and student transportation.

B) Conference expenses related directly to special populations grant activities.

6) Staff development expenditures for special populations grant personnel and outside consultants.

7) The following special populations grant administrative expenditures related only to special populations grants. The total administrative expenditures may not exceed thirty (30) percent of the total special populations grant per district.

A) Administrative salaries.

B) Office staff salaries.

C) Office equipment.

D) Utilities.

E) Rental of facilities.

d) Reports of services, courses, and expenditures supported by the special populations grant shall be filed with the ICCB by August 1 of each year of forms provided by the ICCB.

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- e) An initial grant in the amount designated in Section 2-16 of the Act shall be allocated for expenditure by each community college within a multi-campus district. Remaining funds within a multi-college district may be allocated according to district policies.
- f) Special populations grant funds shall be expended or obligated prior to June 30 each year. Goods for which the funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for to the ICCB by October 15 following the end of the fiscal year.
- g) Special populations grant funds not used in accordance with this Section shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.509 Economic Development Grants

- a) A minimum of \$30,000 of each district's economic development grant shall be used to operate a business assistance center or economic development office, that is, expenditures specified in subsections (d)(1), (d)(5), (d)(6), (d)(7), (d)(8), and (d)(9).
- b) No more than twenty-five (25) percent of each district's economic development grant may be used for expenditures of equipment as specified in subsections (d)(4) and (d)(9)(A).
- c) Economic development grant activities include the following:
- 1) Conducting customized training programs for new or existing business and industry through the following activities:
 - A) Developing and offering customized industrial or commercially-sponsored courses.
 - B) Establishing apprenticeship or internship programs with area business and industry.
 - 2) Providing the following employment training services training for unemployed or underemployed adults to improve their job skills and assist them in seeking employment.
 - A) Establishing and/or operating career counseling and testing programs.
 - B) Providing job placement assistance.
 - C) Conducting courses and workshops which are not claimed for credit hour grant funding.
 - 3) Cooperate with other economic development entities (such as chambers of commerce, economic development commissions, and local governments) involved in commercial and industrial expansion and/or retention to:
 - A) Provide assistance through special courses, workshops, and conferences to area business and industry and economic development entities on such topics as training; financing,

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- starting, and operating a business; contract procurement; purchasing and accounting; and use of computers.
- B) Identify and develop educational programs needed by business and industry for emerging occupations.
- C) Obtain the use of equipment from business and industry for employment training programs.
- D) Assist with the conduct of an assessment of the area's assets and liabilities in attracting and retaining business and industry.
- E) Assist with the conduct of an industrial retention survey to assess the need for training or other assistance by area business and industry.
- F) Provide appropriate training assistance or services determined necessary by surveys or assessments.
- G) Help to market the area to prospective business and industry.
- d) The following are allowable expenditures for Economic Development Grant funds:
- 1) Personnel. Salaries and benefits for the following personnel based on the percentage of time they spend on economic development activities.
 - A) Administrative and support staff of the business assistance centers or economic development offices.
 - B) Counselors that provide employment and educational counseling to unemployed or underemployed individuals.
 - C) Instructional personnel who teach courses, which are not eligible for credit hour grant funding, to unemployed or underemployed persons or who teach customized courses, which are not eligible for credit hour grant funding, for business and industry.
 - 2) Contractual Services. Expenditures for professional services which are determined by the college to be more appropriately or efficiently provided by other public or private entities to complete specific programmatic work needed to conduct the district's economic development activities.
 - 3) Instructional Materials. Books, films, and testing/evaluation materials for use in courses taught to unemployed and underemployed individuals or persons receiving industrial or customized training designed for area business and industry.
 - 4) Instructional Equipment. Lease or purchase of demonstrators, models, trainers, or other equipment for use in courses taught to unemployed and underemployed individuals or persons receiving customized training designed for area business and industry.
 - 5) Promotional Materials. Brochures, newsletters, slide presentations, films, and advertisements used to market the district's economic development services.
 - 6) Staff development. Seminars, courses, and conferences related to economic development for administrative staff that spend 51 percent of their time working in the business assistance

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- center/economic development office.
- 7) Conference and Meeting Expenses. Expenses for conducting conferences and meetings related to Economic Development Grant activities specified in subsection (c) at which business assistance center staff, business and industry, and/or economic development entities are in attendance.
- 8) Travel. Travel expenses related to Economic Development Grant activities as specified in subsection (c) for staff specified in subsection (d)(1) and their supervisors.
- 9) The following are related costs of operating a business assistance center/economic development office.

- A) Office equipment
- B) Utilities and telephone
- C) Consumable supplies
- D) Duplicating
- E) Facility rental

- e) Reports of services and courses supported by the economic development grant shall be filed with the ICCB by August 1 following the end of the fiscal year on forms provided by the ICCB.

- f) Economic development grant funds shall be accounted for in a set of self-balancing accounts with the restricted purposes fund.

- g) Economic development grant funds shall be expended or obligated prior to June 30 each year. Goods for which funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds shall be returned to the ICCB by October 15 following the end of the fiscal year.

- h) Economic Development Grant funds not used in accordance with Section 1501.509 shall be returned to the ICCB within six months after receipt of the external audit report by ICCB.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.510 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Resource allocation and management plan (RAMP) data by August 1 of each year.
- b) Unit cost data for the previous fiscal year by September 15 following the end of that fiscal year.
- c) A survey of local tax extensions and collections by October 1 of each year.
- d) An Audit/Unit Cost Reconciliation Statement by November 1 of each year.

e) Certificate of Tax Levy by January 31 of each year.

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(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

Section 1501.515 Advanced Technology Equipment Grant

- a) An annual grant shall be allocated to each Illinois public community college district in accordance with Section 2-16-01 of the Act.

- b) Advanced technology equipment grant funds shall be accounted for in a set of self-balancing accounts within the Restricted Purposes Fund (See Section 1501.511(a)(4)).

- c) Allowable expenditures for advanced technology equipment grant funds are: demonstrators, models, trainers, and other instructional equipment for classroom/laboratory use by students, including connectors, interfacing equipment, computer software, computer peripherals, operating and repair instruction manuals, and instructional furnishings that are designed for and integral to the use of the instructional equipment.

- d) By August 1 following the end of the fiscal year, the community college district shall file a report with the ICCB in a format prescribed by the ICCB, detailing how the funds were utilized.

- e) Advanced technology equipment grant funds shall be expended or obligated by June 30 of the year for which they were awarded. Goods for which funds have been obligated shall be received and paid for by September 30 following the end of the fiscal year for which the funds were awarded. Unexpended funds shall be returned to the ICCB by October 15 following the end of the fiscal year.

- f) Advanced technology equipment grant funds determined not to be expended in accordance with this Section shall be returned to the ICCB within six months after receipt by the ICCB of the external audit.

(Source: Amended at 14 Ill. Reg. 4126, effective March 1, 1990)

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NOTICE OF ADOPTED RULE(S)

- 1) The Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 2676
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
2676.10	New
2676.20	New
2676.30	New
2676.40	New
2676.50	New
2676.60	New
2676.70	New
- 4) Statutory Authority:
Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, par. 1709.
- 5) Effective Date of Rule: March 2, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 2, 1990
- 9) Notice of Proposal Published in Illinois Register: Not applicable
- 10) Has JCAR issued a Statement of Objections to this Rule? Not applicable
- 11) Difference(s) between proposal and final version: Not applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule:
To provide Freedom of Information Act Procedures for the IELRB.

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- 16) Information and questions regarding this adopted rule shall be directed to:

David A. Youngerman, Chief Hearing Officer
Illinois Educational Labor Relations Board
Civic Opera Building
20 North Wacker Drive, Suite 1000
Chicago, Illinois 60606-2801
(312) 793-3170

The full text of the Adopted Rule begins on the next page:

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NOTICE OF ADOPTED RULE(S)

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 2676

FREEDOM OF INFORMATION

Section

2676.10 General Categories of Board records
 2676.20 Availability of Certain records
 2676.30 Requests for Access to Records
 2676.40 Initial Response to Request
 2676.50 Appeal of Denial of Access
 2676.60 Place and Time of Inspection
 2676.70 Copies

AUTHORITY: Implementing Section 3(g) of the Freedom of Information Act Ill. Rev. Stat. 1987, ch. 116, par. 203(g), and authorized by Section 9 of the Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, par. 1709).

SOURCE: Adopted at 14 Ill. Reg. 4151 effective March 2, 1990.

Section 2676.10 General Categories of Board Records

a) The Illinois Educational Labor Relations Board (the Board) maintains the following general categories of records:

- 1) Case records, covering the processing and disposition of representation and unfair labor practice cases.
- 2) Mediation/Arbitration records, including the Board's roster of mediators/arbitrators, requests for panels therefrom, and related records.
- 3) Collective Bargaining Agreements filed with the Board by employers under the Board's jurisdiction.
- 4) Minutes of Board Meetings.
- 5) Administrative, fiscal and personnel files, covering the Board's internal business affairs.
- 6) General Correspondence.
- 7) Legislative and rulemaking files, covering analyses of bills and proposed rules, comments thereon, and related records.

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- b) Within these general categories, some records are readily available to the public for inspection, others are available upon notice or subject to limitations, and some are deemed confidential and exempt from disclosure under any circumstances. The following Section 2676.20 provides examples.

Section 2676.20 Availability of Certain Records

- a) The following records maintained by the Board are readily available for public inspection, meaning they are subject to disclosure and copies are maintained in such a fashion as to ordinarily be accessible for inspection on short notice:
- 1) Dockets of cases filed with the Board.
 - 2) Pending Representation Petitions (including for certification, decertification, clarification and amendment of certification).
 - 3) Current certifications of exclusive bargaining representatives and certifications of results.
 - 4) Pending unfair labor practice charges.
 - 5) Decisions and Orders rendered by hearing officers, the Executive Director and the Board.
 - 6) The Labor Mediation Roster, including vitae of roster members.
 - 7) Minutes of Board meetings.
 - 8) Freedom of Information Requests and the records showing their dispositions.
 - 9) Files in unfair labor practice and representation cases that have been closed for 6 months or more.

- b) The following records are deemed accessible for public inspection, but may not be available on short notice; advance arrangements should be made:

- 1) Hearing Records, including transcripts, briefs filed to hearing officers and exceptions and briefs filed with the Board and other record materials from Board-conducted hearings in both closed representation and unfair labor practice cases.

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- 2) Mediation/Arbitration records, including requests to the Board for the appointment of mediators, fact-finders and arbitrators pursuant to Section 12 of the Act, the Board's responses to such requests, and the reports filed with the Board by fact-finders and interest arbitrators.
- 3) Rulemaking files, covering the Board's proposal, review and adoption of regulations.
- 4) Collective Bargaining Agreements filed with the Board by covered employers.
- 5) Files in unfair labor practice and representation cases that have been closed less than 6 months.
- c) The following records are regarded as confidential and exempt from disclosure under all circumstances:
 - 1) Showings of Interest submitted to the Board in conjunction with petitions in representation cases, and materials generated by the Board's investigations of such showings.
 - 2) Files in pending unfair labor practice and representation cases.
 - 3) Records potentially identifying voters (or non-voters) and the character of their votes in secret ballot elections conducted by the Board.
 - 4) Internal Personnel Files regarding Board employees.
 - 5) Preliminary drafts, notes, recommendations and memoranda by Board members or Board personnel in which opinions are expressed or policies or actions are proposed or formulated.
 - 6) Drafts, notes, recommendations, memoranda and other materials relating to pending litigation involving the Board.
- d) All other records maintained by the Board, shall be available for public inspection, to the extent mandated by the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.), pursuant to the procedures specified in Section 2676.30.

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Section 2676.30 Requests for Access to Records

Requests under the Freedom of Information Act for access to public records of the Illinois Educational Labor Relations Board shall be submitted to the Executive Director, Illinois Educational Labor Relations Board, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606. Each request submitted by mail should be enclosed in an envelope clearly marked "FOIA REQUEST."

Section 2676.40 Initial Response to Request

- a) The Board will respond, through its staff, to the request within 7 working days after its receipt unless, within that period, the staff notifies the requester that it will require an extension of up to 7 additional working days. A notice of such an extension shall state the reasons why the extension is needed.
- b) If the staff approves a request for public records, it will notify the requester when the records will be made available for inspection. If the request is for copies of records, the copies shall be provided after the requester has tendered payment in full to the Board for the applicable copying fees specified in Section 2676.70 of this Part.
- c) If the Board, through its staff, denies in whole or in part a written request for records, notice of the denial shall be given in writing stating the reasons therefor. The notice shall also identify by name and title the staff person(s) responsible for the denial, and shall advise the requester that the denial may be appealed to the Board. If the denial goes to only a portion of the requested records, the notice shall advise how and when the request will otherwise be granted. A request for categories of records which is unduly burdensome to the Board will be denied only after affording the requester an opportunity to confer and to narrow the request to manageable proportions.
- d) The Board's failure to respond to a request within the period of time prescribed in Subsection 2676.40(a) of this Part may be treated by the requester as a denial of the request.

Section 2676.50 Appeal of Denial of Access

- a) A person whose written request for public records has been denied by the staff of the Board may appeal the denial to the Board. The appeal must be in writing and must include a

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copy of the original request, a copy of the denial (if any), and a statement of the reasons why the denial should be overturned.

- b) An appeal to the Board shall be addressed to it, to the attention of the General Counsel, at 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606, and shall be clearly designated: "ATTN: FOIA APPEAL."
- c) The Board shall determine a requester's appeal within 7 working days after its receipt. If the Board grants the appeal, a written notice to that effect shall inform the requester how and when the records will be made available. If the Board denies the appeal, in whole or in part, a written notice shall inform the requester that judicial review of the denial is available under Section 11 of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 211).
- d) The Board's failure to determine an appeal within 7 working days after its receipt may be treated by the requester as a denial of the appeal.

Section 2676.60 Place and Time of Inspection

Public records maintained by the Board will be made available for inspection pursuant to this Part at the Board's offices at either 320 West Washington Street, Suite 200, Springfield, Illinois 62701 or 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606, during regular office hours (8:30 a.m. to 5:00 p.m.) on days other than Saturdays, Sundays and legal holidays. The Board will determine at which office the records will be available.

Section 2676.70 Copies

Upon proper request, the Board will furnish copies of public records which are available for public inspection at a charge of fifteen cents per page, plus appropriate postage if the copies are to be mailed. Copies will not be released to the requester until payment in full, by check or money order, of the copying and postage fees has been received.

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NOTICE OF ADOPTED RULE(S)

- 1) The Heading of the Part: Public Information, Rulemaking, Organization and Personnel
- 2) Code Citation: 2 Ill. Adm. Code 2675
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
2675.10	New
2675.20	New
2675.30	New
2675.110	New
2675.120	New
2675.210	New
2675.220	New
2675.230	New
2675.240	New
2675.250	New
2675.260	New
2675.Appendix A	New
- 4) Statutory Authority:
Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, par. 1709.
- 5) Effective Date of Rule: March 2, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 2, 1990
- 9) Notice of Proposal Published in Illinois Register: Not applicable
- 10) Has JCAR issued a Statement of Objections to this Rule? Not applicable
- 11) Difference(s) between proposal and final version: Not applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

NOTICE OF ADOPTED RULE(S)

15) Summary and Purpose of Rule:

To provide for public information, rulemaking and organization of the Illinois Educational Labor Relations Board.

16) Information and questions regarding this adopted rule shall be directed to:

David A. Youngerman, Chief Hearing Officer
Illinois Educational Labor Relations Board
Civic Opera Building
20 North Wacker Drive, Suite 1000
Chicago, Illinois 60606-2801
(312) 793-3170

The full text of the Adopted Rule begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED RULE(S)

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 2675

PUBLIC INFORMATION, RULEMAKING, ORGANIZATION AND PERSONNEL

SUBPART A: PUBLIC INFORMATION

Section
2675.10 General Information
2675.20 Procedural Information
2675.30 Access to Board Materials

SUBPART B: RULEMAKING

Section
2675.110 Procedures
2675.120 Petitions for Rulemaking

SUBPART C: ORGANIZATION

Section
2675.210 Composition of the IELRB
2675.220 Executive Director and General Counsel
2675.230 Office of the Executive Director
2675.240 Office of the General Counsel
2675.250 Administrative Operations
2675.260 Advisory Committee

2675.Appendix A Illinois Educational Labor Relations Board Staff Organization Chart

AUTHORITY: Implementing Sections 4 and 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, pars. 1004 and 1004.01) and authorized by Section 9 of the Illinois Educational Labor Relations Act (Ill. Rev. Stat., 1987, ch. 48, par. 1709).

SOURCE: Adopted at 14 Ill. Reg. 4158 effective March 2, 1990.

SUBPART A: PUBLIC INFORMATION

Section 2675.10 General Information

The Illinois Educational Labor Relations Board ("IELRB" or "Board") has jurisdiction of labor relations matters involving educational

employees and educational employers within Illinois. The IELRB maintains offices at 320 West Washington, Second Floor, Springfield, Illinois 62701, (217) 782-9068, and 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606, (312) 793-3170. General information regarding the IELRB and its activities may be obtained by writing or telephoning the IELRB at either office. Information regarding the docket of cases pending before the IELRB may be obtained by contacting the IELRB's General Counsel at the Chicago Office. Information regarding the docket of cases pending investigation or hearing may be obtained by contacting the Executive Director at the Chicago Office. The IELRB's office will be open to the public from 8:30 a.m. to 5:00 p.m. on days other than Saturdays, Sundays and legal holidays.

Section 2675.20 Procedural Information

Information on the procedures followed by the IELRB in discharging its statutory responsibilities is set forth in detail in the IELRB's various procedural rules. Those rules are promulgated by the Board and cover the following subjects: General Procedures, 80 Ill. Adm. 1100; Hearing Procedures, 80 Ill. Adm. 1105; Representation Proceedings, 80 Ill. Adm. 1110; Unfair Labor Practice Proceedings, 80 Ill. Adm. 1120; Fair Share Fee Objections, 80 Ill. Adm. 1125; Collective Bargaining and Impasse Resolution, 80 Ill. Adm. 1130; University of Illinois Bargaining Units, 80 Ill. Adm. 1135.

Section 2675.30 Access to Board Materials

The IELRB will provide copies of its regulations, and of the forms to be used by parties in practice before it, without charge to persons who request them, subject to limitations upon the number requested by any person and provided that the Board has copies on hand when such a request is made. The Board will make available for public inspection at its offices its annual report to the Governor and General Assembly, as well as other publications and materials disseminated for public information, and its final orders, decisions and opinions determining cases. For information governing access to other Board documents and material, consult the Board's rules entitled "Freedom of Information," at 2 Ill. Adm. Code 2676.

SUBPART B: RULEMAKING

Section 2675.110 Procedures

Rules of the Board are subject to the requirements of the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1983, ch. 147, par. 1001, et seq.).

Section 2675.120 Petitions for Rulemaking

- a) Any interested person may petition the Board for the adoption, amendment or repeal of a rule.
- b) Petitions for rulemaking shall be in writing and shall be addressed to the Executive Director at either of the Board's offices.

SUBPART C: ORGANIZATION

Section 2675.210 Composition of the IELRB

The IELRB is composed of a Chairman and two Members, all of whom are appointed by the Governor to six year terms with the advice and consent of the Senate.

Section 2675.220 Executive Director and General Counsel

The Board shall employ an Executive Director and a General Counsel who shall be responsible for the operations of the offices of the Board. The Executive Director and General Counsel shall report directly to the Board.

Section 2675.230 Office of the Executive Director

The Board, through the Office of the Executive Director under the general supervision and direction of the Executive Director, performs the following operations:

- a) Investigating unfair labor practice charges pursuant to 80 Ill. Adm. Code 1120.30, 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1120;
- b) Conducting all necessary investigations of voluntary recognition and representation petitions pursuant to 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1110;
- c) Advising the Board on legal issues which may arise in the course of the Board's official duties;
- d) Training of arbitrators and mediators as directed by the Board;
- e) Implementing and maintaining the Board's Labor Mediation Roster;

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- f) Administering the Board's public information officer program;
- g) Serving as the Board's Freedom of Information Officer.

Section 2675.240 Office of the General Counsel

The members of the IELRB, personally, and through the Office of the General Counsel under the general supervision and direction of the General Counsel, perform the following operations:

- a) Reviewing all recommended decisions of its hearing officers and Executive Director;
- b) Drafting and issuing all unfair labor practice and representation decisions of the Board;
- c) Advising the Board on legal issues which arise in the course of the Board's official duties;
- d) Assisting the Office of the Attorney General in representing the Board in all legal matters pending in the courts;
- e) Representing the Board in legal proceedings before other agencies and courts;
- f) Reviewing and revising the Board's Rules and Regulations.

Section 2675.250 Administrative Operations

The following administrative operations are performed by the staff of the IELRB under the general supervision and direction of the Executive Director:

- a) Administering all financial transactions, including the processing of all state vouchers and related fiscal matters;
- b) Preparing the budget for the IELRB and appropriation requests for review by the IELRB and submission to the General Assembly;
- c) Assigning all clerical and administrative staff within the offices of the IELRB.

The IELRB's staff is organized as depicted in Appendix A.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED RULE(S)

Section 2675.260 Advisory Committee

The IELRB may establish an advisory committee, including subcommittees thereof, composed of individuals who appear before the Board, or who otherwise do business with our Board, in order to act in an advisory capacity to the Board on certain Agency matters.

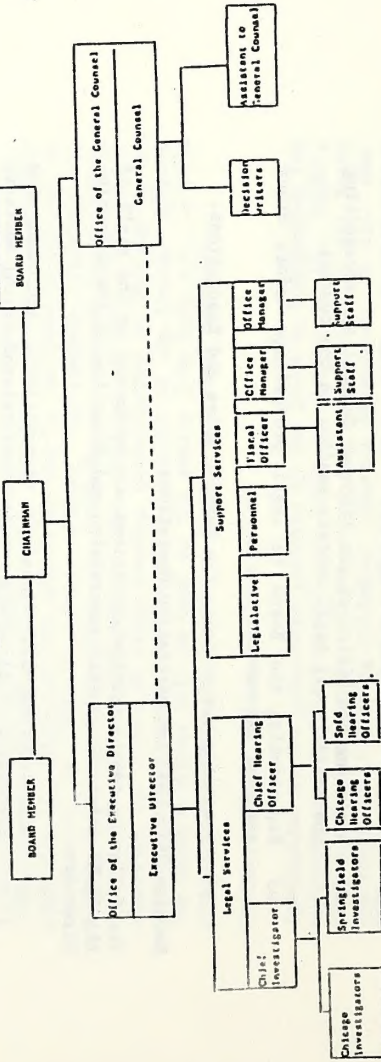
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULE(S)

NOTICE OF ADOPTED RULES

Section 2675, Appendix A Illinois Educational Labor Relations Board Staff Organization Chart



- 1) The Heading of the Part: DEVELOPMENTAL DISABILITIES SERVICE
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Numbers: Adopted Action:

144.1	New Section
144.5	New Section
144.25	New Section
144.50	New Section
144.75	New Section
144.100	New Section
144.105	New Section
144.125	New Section
144.150	New Section
144.175	New Section
144.200	New Section
144.205	New Section
144.225	New Section
144.250	New Section
144.TABLE A	New Section
144.TABLE B	New Section
144.TABLE C	New Section
- 4) Statutory Authority: Sections 5-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-1 et seq. and 12-13)
- 5) Effective Date of Amendments: March 9, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 9, 1990
- 9) Notice of Proposal Published in Illinois Register: July 14, 1989 (13 Ill. Reg. 11999)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules and the Administrative Code Division, the following changes were made to this rulemaking:

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1. To add Section 144.1 which shall read as follows:
Incorporation by Reference
Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.
2. To add "1989" to the federal rules cited in Section 144.25(a), and "1989," after the federal rules cited in Sections 144.25(c) and (c)(1).
3. To add the text "in accordance with 42 CFR 483.30(a), 1989" to Section 144.25(c)(2).
4. To amend the first sentence of Section 144.50(a) to read as follows: "Medicaid facilities for individuals with developmental disabilities must address all needs of each individual through a continuous active treatment program."
5. To change "should" to "shall" in Section 144.75(a)(2).
6. To alter the citation in Section 144.75(a)(2)(B) to read: "(89 Ill. Adm. Code 146.225(b)(1)(A) and (B))."
7. To amend the second sentence of Section 144.75(b) to read: "Identification must be made of the qualified professional(s) (42 CFR 483.430, 1989) performing such assessments/reassessments."
8. To amend the last sentence of Section 144.100(a) to read: "The team must include a Qualified Mental Retardation Professional (QMRP), and a developmental training (DT) program representative, if the individual is a DT participant."
9. To revise the last sentence of Section 144.100(d) to read: "Each professional team member writes recommendations regarding program and service goals appropriate to the individual (Section 144.105)."
10. To add the text "(see subsection (a)(11)(D))" to Section 144.105(c)(1).

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11. To change "should" to "shall" in Section 144.105(a)(2).
12. To modify Section 144.105(a)(7) to read as follows:
"Developmental goals respond to real needs in an individual's life, such as hygiene and dressing rather than on tasks which do not promote the developmental status of the individual."
13. To revise Section 144.105(c)(3) to read as follows:
"The data type collected assesses the individual's progress toward desired objectives pertinent to the goals established by the IDT."
14. To revise the quoted text in Section 144.125(b) in the following manner: "Staff Intensity Scale for Maladaptive Behaviors, Illinois Office of Health Finance (1985), see Appendix A".
15. To adopt the Staff Intensity Scale for Maladaptive Behaviors as Appendix A to this rulemaking.
16. To amend the citation to read: "(89 Ill. Adm. Code 146.225(b)(1)(A) and (B))" in Section 144.125(b).
17. To amend Section 144.125(b)(9) to read as follows:
"if and when aversive techniques are used, they must be approved by the Behavior Management or Human Rights Committee (see subsection (e)) with safeguards to protect individuals' rights and safety."
18. To add "as required by 42 CFR 483.440(f)(3), 1989" after "(or Human Rights Committee)" in Section 144.125(e)(1).
19. To change "should" to "shall" in Section 144.125(c).
20. To add "1989" to the federal rule citation in Section 144.125(d).
21. To delete "justification" from Section 144.125(d)(3)(B)(iii) and insert in lieu thereof: "documentation to justify".
22. To add "1989" to the federal citation in Section 144.125(d)(3)(B)(iv).
23. To change "should" to "shall" in Section 144.150(a)(3).

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24. To change "should" to "shall" in Section 144.150(a)(5).
25. To change "should" to "shall" in Section 144.150(a)(7).
26. To change "should" to "shall" in Section 144.175.
27. To add "(68 Ill. Adm. Code 1350)" after "state law" in Section 144.200(a)(4), and delete the text "and nurse practitioners" from that Section.
28. To add ", 1989" to the federal citation in Sections 144.200(a), (b) and (c).
29. To add the text "see Section 144.125(e)(1))" after "Human Rights Committee" in Section 144.225(b)(3).
30. To add the clarifying text "as determined by the IDT" after "appropriate living arrangement" in Section 144.250(b).
31. To add ", 1989" to the federal rules cited in Sections 144.250(a) and (b).
32. To add: "(see 89 Ill. Adm. Code 140.642(g)(1))" after the text "six areas of major life activity" in Section 144.250(c).
33. To place "of" before "occurrence" in Section 144.75(a)(1)(N).
34. To spell out the acronym "ADL" in Section 144.205(b)(1)(A)(xvii) as "Activities of Daily Living (ADL)" and substitute "elastic bandage" for "ACE" in Section 144.205(b)(1)(A)(vi).
35. To delete the comma appearing after "individual", and "IDT" in Section 144.50(a), and after "disabilities", in Section 144.50(b).
36. To delete the comma appearing after "144.250" in Section 144.50(b).
37. To add "evaluation" after the word "psychological" in Section 144.75(a)(1)(K).
38. To delete the commas appearing in the second and third sentences of the Agency Note in Section 144.150(b)(2).

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39. To delete the comma appearing in the Agency Note in Section 144.150(c).
40. To place a space after the parentheses in Sections 144.205(b)(1)(A)(viii), (xiii), (xvi), (xvii) and 144.205(b)(1)(B)(viii).
41. To delete the comma appearing in Sections 144.225(a)(16) and (b)(1).
42. To delete the comma appearing in Section 144.250(a).
43. To add "a" before "ctions" in Section 144.125(a).
44. To enclose the subsection labels in citations in Sections 144.125(a), 144.125(e)(1), 144.150, 144.150(b)(1)(A) and (B), 144.175 and 144.205(a).
45. To replace "whic" and "colely" with "which" and "solely" in Section 144.125(e)(1).
46. The unlabeled paragraph in the Agency note in Section 144.150(d)(5) is moved and renumbered (d)(5)(c) and use "preventive" in Section 144.200(b)(5).
47. In Sections 144.5 and 144.25 corrected indent levels.
48. In Section 144.50(b), line 6 capitalized the first letter of the term "section."
49. In Section 144.125(b)(7), corrected the spelling of the word "precedeing." In the next line changed "steps (1-5) to "steps outlined in subsections (b)(1)-(5).
50. In Section 144.125(d), line 10, placed the first letter in the term "Subsection" in lower case.
51. In the Agency Note following Section 144.125(d)(2)(B)(vi), placed the phrase "Agency Note" in all upper case letters. This change was made to the other Agency Notes in this Part, too.
Also in the Agency Note, added the word "Developmental" in the title of the Act after the word "and."

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52. In Section 144.200(a)(4), line 4, capitalized the first letter of the term "section."

Additionally, the following changes were made to the rules:

1. Several changes have been made to the IOC rules, Sections 144.5 through 144.240, during the first notice period.
Section 144.5 is revised to include an Agency Note concerning certification conversion of SNF/PED facilities. SNF/PED facilities which meet ICF/DD certification requirements must convert to ICF/DD certification by December 31, 1989, in order to comply with federal law relative to admitting individuals with developmental disabilities.
2. Section 144.75 a)2F) is revised to provide a more complete description of a comprehensive functional assessment.
3. Section 144.105 d) is revised to more clearly describe the Qualified Mental Retardation Professional's (QMRP) responsibilities relative to monitoring of the Individual Program Plan (IPP).
4. Section 144.105 d)2) is revised to expand the description of possible reasons for an individual's lack of progress toward program objectives.
5. Section 144.105 e) is revised to provide concrete examples of possible IPP outcomes relative to subjective concepts such as "improvement in self-image" and "individual autonomy".
6. Section 144.125 a) is revised to offer a more detailed description of maladaptive behaviors, and to specify when additional reimbursement will be paid for individuals needing behavior development programs under Specialized Care.
7. Section 144.125 e) is revised to more clearly delineate the behavior development program levels.
8. Section 144.150 is revised to specify when additional reimbursement will be paid for individuals needing services for health and/or sensory disabilities under Specialized Care.

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9. Section 144.150 b)1) is revised so that sensory deficits under Level I (Specialized Care) services are distinctly recognized according to visual and auditory deficits.
10. Section 144.150 c) and c)3) are revised to include dual sensory deficits (both visual and auditory) under Level II (Specialized Care) services, in recognition of the intensive care needed by individuals with such dual deficits.
11. Section 144.150 d) is revised to state that the individual who requires Level III (Specialized Care) services is typically nonmobile or mobile nonambulatory, rather than ambulatory, since the individual who is not ambulatory is the most likely candidate for Level III services.
12. Section 144.175 is revised to specify when additional reimbursement will be paid for individuals needing assistance in meeting functional needs.
13. Section 144.205 a) is revised to specify when additional reimbursement will be paid for individuals needing medical and/or therapy services.
14. Section 144.225 is revised by adding two more items under Individual Rights.
15. Section 144.225 b) is revised by adding information relative to an individual's right to appeal any restrictions which are placed upon him/her.
16. Section 144.250 c) and d) are revised to specify that a discharge plan is a component of a maximum growth potential plan, to change the time frame for completing a maximum growth potential plan from "Upon admission . . ." to "Thirty days following admission. . .", and to identify the specific information found in a discharge plan.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

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- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendments: These rules provide Inspection of Care (IOC) review criteria for the evaluation of active treatment services provided in residential facilities for individuals with developmental disabilities. The rules are based on federal and state regulations and present facility responsibilities relative to active treatment services.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144
DEVELOPMENTAL DISABILITIES SERVICE

Section

144.1	Incorporation by Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities
144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities
144.75	Comprehensive Functional Assessments and Reassessments
144.100	Interdisciplinary Team (IDT)
144.105	Individual Program Plan (IPP)
144.125	Specialized Care - Behavior Development Programs
144.150	Specialized Care - Health and Sensory Disabilities
144.175	Functional Needs
144.200	Service Needs - Medical Care
144.205	Service Needs - Medical and Therapy Services
144.225	Individual Rights
144.250	Discharge Planning/Maximum Growth Potential Plan
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.1 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are

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Section 144.1 Incorporation by Reference (Cont'd)

incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

Section 144.5 Determination of Program (Active Treatment) Costs

- a) The Department reimburses residential facilities for program costs associated with the delivery of active treatment to individuals with developmental disabilities, according to information obtained during each facility's most recent Inspection of Care (IOC) Review conducted by Department staff. The categories of facilities which are affected by Sections 144.5 through 144.250 and 144.251 are A, B and C are intermediate care facilities for individuals with developmental disabilities (ICF/DD), long term care facilities for person's under 22 years of age (SNF/PED), specialized living centers (SLC), and intermediate care facilities for individuals with developmental disabilities, of fifteen (15) beds or less (ICF/DD-15). IOC Review assessments of 100% of the Medicaid residents are conducted in these facilities every twelve (12) months. Program rate determination is based upon IOC Review criteria according to Sections 144.25 through 144.250 in conjunction with the reimbursement methodology found at 89 Ill. Adm. Code 146.225.

- b) Reimbursable services under this Section do not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous active treatment program.

AGENCY NOTE: OBRA '87 requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/DD facilities. Therefore, SNF/PED facilities which meet ICF/DD certification requirements will be certified ICF/DD by December 31, 1989, in order to comply with federal law when admitting individuals with mental retardation. The certification classification, SNF/PED, will not be in use after December 31, 1989. Facilities which

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Section 144.5 Determination of Program (Active Treatment) Costs (Cont'd)

undergo certification conversion from SNF/PED to ICF/MR may retain State licensure for skilled care.

Section 144.25 Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities

- a) Facilities for individuals with developmental disabilities must provide a continuous active treatment program for each individual, as required by federal regulation (42 CFR 483.440, 1989). This program is directed toward:

- 1) the acquisition of behaviors and skills necessary to enable the individual to function with the greatest possible level of self determination and independence, physically, intellectually, socially, and vocationally, and
- 2) the prevention or deceleration of regression or loss of current optimal functional status.

- b) The active treatment program for each individual is delivered through the implementation of an individualized program plan (IPP) consisting of interventions and services which are designed to meet the individual's needs with continuity across all of the environments in which the individual lives. The IPP is a comprehensive plan whose behavior and developmental skill interventions are consistently implemented throughout the day, regardless of the individual's whereabouts.

- c) The IPP is developed by an interdisciplinary team (IDT) (42 CFR 483.440, 1989, 89 Ill. Adm. Code 146.225(b)(2)(B)), that represents the professions, disciplines or service areas that are relevant to identifying and prioritizing the individual's needs, and designing programs to address the identified needs.

- 1) Each individual's active treatment program must be integrated, coordinated and monitored by a qualified mental retardation professional (QMRP)

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Section 144.25 Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Cont'd)

(42 CFR 483.430, 1989, 89 Ill. Adm. Code 146.225(b)(2)(A)).

- 2) Each component of the individual's IPP, including developmental training conducted in the facility or off-site, must be coordinated with, correspond to and/or complement all other components (42 CFR 483.30(a), 1989).

Section 144.50 Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities

- a) Medicaid facilities for individuals with developmental disabilities must address all needs of each individual through a continuous active treatment program. The interdisciplinary team (IDT) is a key component in a facility's ability to develop an appropriate program of active treatment for each individual in residence. The responsibility for the composition and quality of the IDT rests solely with the licensed provider. Further, a facility is fully responsible for ensuring the delivery to each individual of all criteria in Sections 144.75 thru 144.250 which are deemed necessary by the IDT in the program of active treatment services for that individual.

- b) The Inspection of Care review criteria found in Sections 144.75 thru 144.250 are used to assess facility performance in meeting the variable needs of individuals with developmental disabilities through individualized programs of active treatment. The criteria identified in this Section constitute the essential elements of active treatment.

Section 144.75 Comprehensive Functional Assessments and Reassessments

- a) Comprehensive Functional Assessments
The interdisciplinary team (IDT) will identify the

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Section 144.75 Comprehensive Functional Assessments and Reassessments (Cont'd)

individual's needs by performing an accurate assessment as needed to supplement the preliminary evaluation conducted prior to admission to a residential facility.

- 1) No later than thirty (30) days after admission, or after application for request of Medicaid payment, a comprehensive functional assessment is administered by the IDT, or reports of a previous assessment are used if the assessment is current. The assessment must include:

- A) physical development and health;
- B) dental examination that includes an assessment of oral hygiene practices;
- C) nutritional status;
- D) sensorimotor development/auditory functioning;
- E) social development;
- F) speech and language development;
- G) adaptive behaviors or independent living skills necessary for the individual to be able to function in the community;
- H) vocational or educational skills (if applicable);
- I) cognitive development;
- J) medication and immunization history;
- K) psychological evaluation (within 5 years) that include an assessment of the individual's emotional and intellectual status;
- L) capabilities and preferences relative to recreation/leisure activities;

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Section 144.75

Comprehensive Functional Assessments and Reassessments (Cont'd)

- M) other assessments indicated by the individual's needs, such as physical and occupational therapy assessments;
 - N) seizure disorder history (if applicable) with information regarding frequency of occurrence, and classification; and
 - O) screenings (the facility performs or obtains) in the areas of nutrition, vision, auditory, and speech/language.
- 2) The assessment shall:
- A) identify presenting problems, areas of need, and disabilities, and where possible, their causes. Comprehensive evaluations should be conducted concerning identified problems or areas of need;
 - B) identify the overall level of functioning (mild, moderate, severe, profound) by use of a standardized, Department approved assessment instrument (89 Ill. Adm. Code 146.225(b)(1)(A) and (B));
 - C) identify the individual's specific developmental strengths per required area assessed;
 - D) identify the individual's specific developmental and behavioral management needs per area assessed;
 - E) identify the individual's need for services and environmental modification without regard to the actual availability of the services needed or practicality of changing the current environment per area assessed; and
 - F) identify the individual's need(s) (if any) for specialized services, including necessary adaptive equipment, specialized techniques and methodologies, monitoring

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Section 144.75

Comprehensive Functional Assessments and Reassessments (Cont'd)

- systems, time frames and expected outcomes; and
- G) be conducted by a qualified professional who possesses the legal authorization to perform such assessments.
- 3) The IDT synthesizes the results of the assessment into an initial comprehensive evaluation of the developmental level and potential of the individual.
- b) Comprehensive Functional Assessments - Reassessments
 - At least annually, the interdisciplinary team shall determine the need for reassessment of each individual. Identification must be made of the qualified professional(s) (42 CFR 483.430, 1989) performing such assessments/reassessments. Assessments are performed or obtained for the individual based on the determination of the interdisciplinary team, in the following areas:
 - 1) physical examination and health assessment;
 - 2) dental examination;
 - 3) cognitive functioning or psychological assessment (a psychological evaluation is required if the previous evaluation occurred more than five years prior to the reassessment);
 - 4) adaptive behavior or independent living skills;
 - 5) developmental (including sensorimotor function), educational, or vocational evaluation;
 - 6) other assessments needed and performed, as determined by the IDT;
 - 7) medication and immunization history, updated; and
 - 8) identification of overall level of functioning (mild, moderate, severe/profound) by use of a

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Section 144.75 Comprehensive Functional Assessments and Reassessments (Cont'd)

standardized, Department approved assessment instrument.

Section 144.100 Interdisciplinary Team (IDT)

The IDT for individuals with developmental disabilities includes representation from the professions, disciplines or service areas that are relevant to identifying the individual's needs as described by the comprehensive functional assessments, and to designing programs that meet the individual's need. The team identifies the developmental needs of the individual and collectively assigns priorities to the individual's needs to develop a single comprehensive individual program plan (IPP).

- a) The IPP shall be developed with the participation of an IDT comprised of professionals who represent the needs of the individual. The team must include a Qualified Mental Retardation Professional (QMRP), and a developmental training (DT) program representative, if the individual is a DT participant.
- b) The individual participates on the team, unless the individual's inability or unwillingness to participate is documented.
- c) The individual's parent, guardian or advocate participates unless the individual is an adult and desires that they not participate; or participation of the parent, guardian or advocate is unobtainable and efforts to solicit their participation are documented.
- d) The individual team member collects data from assessments, interprets data, and clearly summarizes and reports findings to the IDT. Each professional team member writes recommendations regarding program and service goals appropriate to the individual (Section 144.105).
- e) The team integrates data from the representative assessment data by prioritizing program goals.
- f) The initial individual program plan is developed no later than 30 days after admission.

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Section 144.105 Individual Program Plan (IPP)

a) Overview

Each individual must have an IPP which is composed of goals and objectives established by an IDT. The IPP is developed according to the individual's needs, as identified in the comprehensive functional assessment. This assessment must be reviewed for relevancy and updated as appropriate, at least annually, by the IDT. The IPP must be periodically reviewed and revised as appropriate.

- 1) The IPP addresses major needs of the individual.
- 2) The plan for each individual states specific goals per area assessed that are developed by the IDT. The individual's needs are prioritized, and programs are developed with specific goals, to address the prioritized needs. If there is an identified need which is not being addressed through a specific program, a statement shall be made as to how the need will be addressed.
- 3) For each behavioral and service goal identified in the IPP, the IDT indicates the appropriate person or staff level responsible for implementing the program or providing the service.
- 4) The plan is a single comprehensive program designed to meet the needs of the individual across all of the environments in which he/she lives, through consistent program (behavioral and skill interventions) implementation.
- 5) Specific program objectives/goals are related to the data derived from the comprehensive functional assessments.
- 6) The goals are designed to assist the individual to function at the greatest physical, cognitive, social, and vocational level which he/she can presently or potentially achieve. The goals are also designed to prevent the regression or loss of current functional status in individuals where no further positive growth is demonstrable.

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Section 144.105 Individual Program Plan (IPP) (Cont'd)

- 7) The goals address practical or functional skills that are likely to be needed currently. Developmental goals respond to real needs in an individual's life, such as hygiene and dressing, rather than on tasks which do not promote the developmental status of the individual.
- 8) Goals are not so difficult that they cannot be accomplished in a year's time or so simple that they are already in the individual's repertoire.
- 9) The IPP contains behavioral objectives to reach each of the identified goals in the plan. Each objective:
- A) is developed by the IDT;
 - B) is based on the results obtained from the assessment process;
 - C) is stated in measurable terms and identifies specific performance measures to assess;
 - D) is developed with a projected completion or review date (month, day, year); and
 - E) is assigned a priority based on consideration of a developmental progression. For example, the need for training in personal care skills should precede vocational training.
- 10) The IPP must:
- A) describe relevant interventions to support the individual toward independence;
 - B) address maintenance and reinforcement of previously acquired skills during nonspecific training time;
 - C) identify the location of written program strategies and techniques (including prompts and reinforcers), which must be accessible to any person responsible for implementation; and

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Section 144.105 Individual Program Plan (IPP) (Cont'd)

- D) emphasize training in personal skills essential for privacy and independence (toileting, personal hygiene, clothing, dental hygiene, self-feeding, bathing, grooming, and communication of basic needs), until it has been demonstrated that the individual is developmentally incapable of acquiring them.
- 11) Each training program designed to implement the objectives in the IPP must specify:
- A) the methods to be used;
 - B) the schedule for use of the methods;
 - C) the person(s) responsible for implementing the program; and
 - D) the type of data and frequency of data collections necessary to determine the level or quality of performance, and to assess progress toward desired objectives.
- b) IPP Implementation
- 1) A single IPP is developed and implemented for each individual.
 - 2) All services are provided in accordance with the IPP. Programs are integrated into the individual's daily life so that he/she receives a continuous active treatment program across all environments.
 - A) Program staff consistently utilize the developed techniques, methodologies, and strategies as identified on the IPP. These specialized techniques, methodologies, and strategies are carried out in the individual's residential setting (formally and informally), and day program.
 - B) Program interventions are delivered in a natural context during normal, daily occurrences. Specific objectives are

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Section 144.105 Individual Program Plan (IPP) (Cont'd)

integrated into activities which occur naturally in the individual's environment.

- C) If a discrete or isolated intervention occurs outside of the individual's usual setting, a plan to "generalize" the intervention into a more natural setting is documented.

c) IPP Documentation

- 1) The staff collects relevant and accurate data as indicated in the IPP. The data are used to evaluate performance relative to established, measurable goals. Data collection provides the information needed to effectively determine the level and quality of performance (see subsection (a)(1)(D)).
 - 2) Each program objective has established criteria relative to the individual's acquisition of skills for attaining greater independence. Documentation in measurable terms is made regarding the accomplishment or nonaccomplishment of the specified criteria.
 - 3) The data type collected assesses the individual's progress toward desired objectives pertinent to the goals established by the IDT.
 - 4) Significant events that are related to the individual's IPP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, are documented.
 - 5) Data collection and documentation of such data provide the necessary information to effect decision making regarding:
 - A) the effectiveness of established programs; and
 - B) the need to revise current programs.
- d) IPP Monitoring and Change

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Section 144.105 Individual Program Plan (IPP) (Cont'd)

Implementation of the individual's IPP is supervised by the qualified mental retardation professional (QMRP), on an ongoing basis. The QMRP conducts reviews, as necessary, of the individual's progress toward each program objective. Such reviews are valuable in ascertaining levels of program appropriateness, as well as the individual's achievement. When necessary, the QMRP's review is followed by a narrative summary of the individual's progress, and any revisions to the IPP which may be indicated.

- 1) The QMRP reviews progress to determine if the individual:
 - A) has successfully completed an objective(s) as identified in the IPP;
 - B) is regressing or losing skills previously gained;
 - C) is failing to progress toward identified objectives after reasonable efforts have been made relative to his/her developmental functioning and cognitive potential; and
 - D) has made sufficient progress toward an objective and is ready to begin training toward a new objective.
- 2) The QMRP determines the accurate or most accurate reason for an individual's apparent lack of progress toward program objectives. Possible reasons include:
 - A) inadequate data collection which does not reflect actual progress made;
 - B) inconsistency of program implementation among program staff;
 - C) use of inappropriate/ineffective program prompts and reinforcers; and
 - D) inappropriate goals and objectives.

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- E) physical or medical problems which are developing; and
 - F) medication which is inaccurately administered or inappropriately prescribed.
- 3) The QMRP follows up the review of individual progress, by revising the IPP when necessary and appropriate through the development of new goals and objectives which reflect the individual's current needs.
- 4) The QMRP supervises staff in the delivery of programs, oversees data collection, and reviews performance.

e) IPP Outcome

- 1) Analyzing the outcome of the current IPP provides a measure of how well the program of active treatment has moved the individual closer to his/her optimum physical, intellectual, social, and vocational functioning. An analysis of program outcome is based on the following points:
 - A) for each objective determine what progress the individual has made, or what level of skill enhancement he/she has achieved, toward greater independence;
 - B) if the individual is on a regression prevention program, determine if any observed or documented regression has occurred and if so, the extent of the regression. Determine if any regression has occurred due to a documented medical or physical condition;
 - C) determine if the individual's newly acquired skills contribute towards a more positive public image or normalization as evidenced by an improvement in self-image and personal appearance, and the development of skills and behaviors which lead to independence; and

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- D) determine if the individual's newly acquired skills contribute towards his/her individual autonomy and empowerment, as evidenced by an increased level of self-responsibility and a transfer of power and control to the individual.

- 2) Section 140. TABLE C entitled "IPP Outcomes" sets forth examples of possible IPP outcomes when the program of active treatment has moved the individual closer to his/her optimum functioning through successful interventions.

Section 144.125 Specialized Care - Behavior Development Programs

- a) Adaptive behaviors are actions and responses which are productive and appropriate. Maladaptive behaviors are actions and responses which are nonproductive and/or inappropriate. Although maladaptive behaviors are generally described as nonproductive and inappropriate, in some cases, an individual's inappropriate behavior may be productive, given the social or environmental context of a particular activity. Behavior development refers to both the reduction in maladaptive behaviors and the increase in adaptive behaviors. A behavior program instituted because of maladaptive behaviors must also include the development of adaptive behaviors. Additional reimbursement is paid for an individual who needs and receives specialized care for a behavioral disability (89 Ill. Adm. Code 146.225(b)(3)(A)), when the individual's behavior development program meets the criteria in this Section, subsection (e)(1).
- b) A determination regarding an individual's behavior patterns is based upon direct and documented observations of his/her actions and responses. A behavior development program may be instituted following the assessment and recommendation of the IDR. The individual for whom the program is prepared must be assessed according to a standardized, Department approved assessment instrument (89 Ill. Adm. Code 146.225(b)(1)(A) and (B)), and diagnosed according to the Staff Intensity Scale For Maladaptive

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Behaviors, Illinois Office of Health Finance (1985), see Appendix A. Behavior development programs are structured programs developed by, or approved by a psychologist QMRP. Staff involved in the delivery of the structured program must be trained in the delivery of behavioral programs. A behavior program is part of the individual's IPP, and therefore, must be reviewed by the IDT annually or more frequently as needed. A behavior development program must include the following:

- 1) specified maladaptive behavior(s) to be eliminated, if any;
- 2) specified adaptive behavior(s) to be developed;
- 3) specifications regarding all aspects of the program techniques;
- 4) a reinforcement plan, including schedule, frequency and type of reinforcement;
- 5) a data collection system that specifies the mechanisms for recording program delivery and includes the program's estimated intervention time (for delivery of reinforcers and staff/client interaction) in order to maintain quality control;
- 6) a planned orderly intervention procedure in the case of crisis intervention, which is designed to be the least restrictive given the target behavior and the individual's pattern of behavior. A crisis is an incident which requires physical intervention (and perhaps ultimately chemical intervention) to control behavior that jeopardizes the well being and safety of self or others, or is destructive of property;
- 7) when psychotropic medications are required with a behavior development program, the preceding steps outlined in subsections (b)(1)-(5) must be adhered to;

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- 8) specified projective review date for the IDT to analyze progress; and
 - 9) if and when aversive techniques are used, they must be approved by the Behavior Management or Human Rights Committee (see subsection (e)) with safeguards to protect individuals' rights and safety.
- c) An individual's IPP shall include behavioral techniques and methodologies which provide reinforcement for previously acquired adaptive skills.
- d) The facility must develop and implement written policies and procedures that govern the management of inappropriate behavior of individuals. Aversive techniques which are employed to modify an individual's inappropriate behavior must be an integral part of the IPP, and must be designed to lead to less restrictive means of managing and eliminating the inappropriate behavior. Incidents which require crisis intervention constitute exceptions to this last statement (see subsection (d)(2)). Facilities must comply with Medicaid Regulations when employing aversive techniques (42 CFR 483.450, 1989).

1) Time-out Rooms

The use of a time-out room, from which egress is prevented, is permitted only when the following conditions are met:

- A) the individual is under the continuous visual supervision of designated staff;
- B) the door to the time-out room is held shut by continuous staff engagement;
- C) placement in a time-out room may not exceed one hour;
- D) an individual in a time-out room must be protected from hazardous conditions; and
- E) a record of time-out activities is kept.

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2) Physical Restraints

A) Physical restraints may be used as an integral part of an individual's IPP, or as an emergency measure, but only if absolutely necessary:

i) to protect the client and/or others from injury; and

ii) as a health-related protection if prescribed by a physician.

B) The following guidelines must be adhered to with respect to the usage of physical restraints:

i) authorization to use or extend the use of restraints in an emergency must be in effect for no longer than 12 consecutive hours, and such authorization (physician order) must be obtained as soon as the client is stable;

ii) the facility may not issue orders for restraints on a standing, or as needed, basis;

iii) an individual placed in restraints must be checked by staff at least every 30 minutes. Further, the individual must be released from the restraints as soon as possible (the individual no longer poses a threat to self or others);

iv) the individual in restraints must be afforded the opportunity for motion and exercise for a period of not less than 10 minutes during each two hour period of restraint usage;

v) barred enclosures, if used as a restraint device, must not exceed three

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feet in height, and must remain open on top; and

vi) a record of all activities relating to the use of physical restraints, including the individual's response to such usage, must be kept.

AGENCY NOTE: Facilities must comply with applicable regulations regarding restraint and seclusion as defined in Sections 1-125, 1-126, 2-108 and 2-109 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, pars. 1-125, 1-126, 2-108 and 2-109).

3) Drug Usage (Chemical Restraints)

A) When drug usage is a required component of a behavior program, steps 1-5 under subsection (b) Specialized Care-Behavior Development Programs, must be adhered to.

B) Drugs as prescribed by a physician, can be used to control inappropriate behavior if:

i) approved by the IDT as an integral part of the individual's IPP that is directed toward the reduction/elimination of the behavior for which the drugs are employed;

ii) the drug dosage does not interfere with the individual's daily living activities;

iii) there is documentation to justify that the harmful effects of the inappropriate behavior clearly outweigh the potentially harmful effects of the drugs;

iv) the individual receiving the drug(s) is closely monitored for desired responses and adverse effects by facility staff,

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and in conjunction with the prescribing physician and the drug regimen review requirement at 42 CFR 483.460(j), 1989; and

- v) a carefully monitored program of gradual withdrawal is imposed at least annually for each drug prescribed, in conjunction with the IDT, unless such withdrawal is contraindicated by clinical evidence.

e) Behavior Development Program Levels

- 1) Behavior development programs under Specialized Care are related to maladaptive behaviors which occur with high frequency and/or great severity. A behavior development program, including the use of psychotropics, which is developed for Specialized Care, must meet all federal and State requirements including, but not limited to, development by the IDT, review and approval by a Behavior Management Committee (or Human Rights Committee) as required by 42 CFR 483.440(f)(3), 1989 and approval by the individual or guardian, if the individual is not capable of providing informed consent. The behavior development program developed by the IDT must demonstrate the need for a use of a more intensive staffing pattern (direct care staff) than that pattern which is reimbursed for under 89 Ill. Adm. Code, Section 146.225(b)(1). Additional staff time provided under Specialized Care is a response to a necessary increase in staff intensity identified in the behavior development plan when other attempted interventions have failed, such as environmental changes or changes in the pattern of activities throughout the day. Specialized Care is not provided based solely on the frequency or severity of the individual's maladaptive behavior.

- 2) Behavior development program services under Specialized Care do not preclude the individual's participation in regular training services,

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activities and therapies as part of a comprehensive active treatment program.

- 3) The IDT provides highly specific guidelines for the individual's behavior development program relative to treatment methodology, services needed, and staff needed to deliver interventions. All behavior development programs must adhere to the program steps in this Section, subparagraph b).

- A) Level I - Behavior development program services are delivered by staff specifically trained in the delivery of the prescribed interventions. Behaviors occur with high frequency but moderate severity, i.e., verbal abuse one or more times per 4 hours which is hostile in tone or content including threats or screaming, or pica occurring once per 4 hours in volumes small enough to be non-life threatening. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to 1:4.8, and for persons with severe-profound mental retardation from 1:4.8 to 1:3.7.

- B) Level II - Behavior development programs are delivered by staff trained in the delivery of each individual's intervention plan. Individuals receive personalized intervention, such as individual counseling or some one-to-one intervention. Behaviors occur with high frequency, and are aggressive or destructive, such as purposeful attacks of others resulting in minimal injuries one or more times per day. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to 1:3.7, and for persons with severe-profound mental retardation from 1:4.8 to 1:3.

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- C) Level III - Behavior development programs are delivered by staff who are specifically trained to deliver the interventions. Generally, staff may be assigned to accompany the individual throughout the shift. One-to-one intervention is common. Behaviors occur with very high frequency, such as hyperactivity one or more times per minute, or occur with high frequency and are aggressive, assaultive or destructive, such as pica (daily consumption of life threatening materials), or daily physical assault resulting in injuries requiring medical attention. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to 1:2.5, and for persons with severe-profound mental retardation from 1:4.8 to 1:2.

Section 144.150

Specialized Care - Health and Sensory Disabilities

These specialized services refer to three categories (Levels) of care which some individuals must receive, fully or in part, in order to attain physical health and development. The delivery of specialized care in accordance with an individual's need(s), as determined by the IDT's assessment, enables him/her to participate in his/her IPP and be supported toward greater independence. Additional reimbursement is paid for an individual who needs and receives services for health and/or sensory disabilities (89 Ill. Adm. Code 146.225(b)(3)(B)), when those services meet the criteria under this Section, subsections (b), (c), and/or (d).

a) Overview

- 1) The individual program plan must describe relevant interventions to support the individual toward independence, as assessed and determined by the IDT.

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- 2) Equipment which is needed by an individual, such as mechanical supports, appliances, and assistive sensory devices must be provided or obtained by the facility.
- 3) Equipment, devices and supports shall be used as needed to achieve proper body position, balance and alignment.
- 4) The individual program plan must specify the reason for each support, the situations in which it is to be used, and a schedule for use.
- 5) Individuals who are nonambulatory shall spend a major portion of each day out of bed and outside the bedroom area, moving about by various methods and devices whenever possible.
- 6) Training in personal skills must occur until it has been demonstrated that the individual is not developmentally capable of acquiring those skills.
- 7) The facility shall provide training to individuals to attend to their own health needs consistent with the needs and abilities of the individuals.

AGENCY NOTE: An individual who meets the criteria of more than one Level in this Section will be assigned according to the disability or functional deficit which represents the greatest need for specialized care.

b) Definitions

- 1) Ambulatory - The individual is capable of walking without assistance or the aid of adaptive equipment or devices.
- 2) Mobile nonambulatory - The individual is capable of locomotion with mobility assistance such as adaptive equipment or devices.
- 3) Nonmobile - The individual is not capable of locomotion even with mobility assistance.

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Section 144.150 Specialized Care - Health and Sensory Disabilities (Cont'd)

c) Specialized Care, Level I

The individual is ambulatory or mobile non-ambulatory, but requires services to compensate for a sensory deficit (auditory and/or visual), or services enabling him/her to be mobile, or limited services to meet medical needs.

1) Sensory Deficits

A) Visual Disabilities

The individual requires and receives specialized services due to a visual disability as defined in the 89 Ill. Adm. Code 146.225(b)(3)(B)(i). Aids and appliances for individuals having such disabilities are limited to the following items with which facility staff can assist the individual.

i) cane or dog used in mobility training or a sighted guide.

ii) visual aids.

B) Auditory Disabilities

The individual requires and receives specialized care due to an auditory disability as defined in the 89 Ill. Adm. Code 146.225(b)(3)(B)(i). Aids and appliances for individuals having such disabilities are limited to the following items with which facility staff can assist the individual:

i) Aided augmentative communication system. Aided modes of communication may include the use of an eye gaze communication board, or an electronic communication device that has speech output or a print tape.

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ii) Assistive listening device (hearing aid). or

iii) A hearing dog.

AGENCY NOTE: An individual's treatment might need to include being desensitized to tolerate the use of a hearing aid or assistive listening device to prevent the device from being rejected or destroyed.

2) Physical Disabilities

The individual requires and receives specialized care and training related to a physical disability which prevents or limits mobility. The individual becomes mobile when employing certain adaptive equipment. Aids, appliances and other adaptive equipment which promote mobility for individuals with physical disabilities are limited to the following devices which individuals can be taught to apply, or can be applied with assistance from facility staff.

A) Arm brace.

B) Back brace, body jacket.

C) Leg brace.

D) Prosthesis.

E) Splints.

F) Adaptive wheelchair.

G) Walker.

AGENCY NOTE: A physical disability is defined as a physical impairment which results in a functional deficit, such as spasticity, poor muscle tone, paralysis, and absence of limbs. Eligibility under Physical Disabilities requires that the individual needs training in the use of a device or devices in order to achieve some

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level of independent mobility. An individual who is already independent in mobility and requires adaptive equipment does not qualify. This includes some individuals who are in training programs for deficits in gross or fine motor functioning, and some individuals who are not in such training programs.

d) Specialized Care, Level II

The individual is nonmobile, requires mobility assistance, requires services to meet high personal care needs, and may have significant daily medical needs, and/or may have dual sensory deficits (visual and auditory).

1) High Personal Care/Mobility Need (non-mobile)

The individual requires and receives partial or total assistance in bathing, clothing, grooming and hygiene, eating and toileting/continence. The individual requires and receives mobility assistance, due to a functional deficit (as determined by physical or psychological causes), to transfer from a bed to an alternative positioning device. He/she also requires and receives assistance with movement/mobility around the facility.

2) Medical Need

A) The individual requires and receives insulin injections daily or more frequently for the management of diabetes which is not stabilized. Daily monitoring by licensed personnel is required to assess the individual's status, side effects, laboratory work, and to report to the physician as necessary. The requirement for monitoring pertains also to insulin which is administered on a sliding scale basis. This monitoring results in adjustments in dosage and/or type of insulin, as indicated by the individual's status.

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B) The individual needs and receives ostomy care for a jejunostomy, an ileostomy, or a colostomy.

3) Dual Sensory Deficits

The individual requires and receives services as required, due to both an auditory disability and a visual disability.

AGENCY NOTE: Level II services require that an individual meets the criteria in (1). The individual who also meets the criteria in (2) is eligible for a higher nursing ratio according to 89 Ill. Adm. Code 146.225(b)(3)(i).

e) Specialized Care, Level III

The individual is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs means one or more of the following:

1) The individual requires and receives intermittent catheterization more than twice a day.

A) Daily recording of intake and output is required.

B) Infection control measures must be carried out as indicated in the facility's catheterization protocol.

2) The individual requires and receives respiratory care which can include tracheostomy care, positive pressure breathing treatments, aerosol therapy, postural drainage with percussion, vibration and/or suctioning.

A) The respiratory status of the individual receiving respiratory care must be frequently assessed as required by the Ipp.

B) Infection control measures must be carried

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out as indicated in the facility's respiratory procedure protocol.

- 3) The individual requires and receives feeding via a nasogastric or gastrostomy tube, or, the individual has poor sucking and/or swallowing reflexes and requires and receives prolonged oral feeding of two or more hours daily.
- 4) The individual requires and receives wound care, having been admitted to the facility with a stage III or IV decubitus ulcer, or deep wounds, infected wounds, extensive burns or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations.
 - A) Decubitus ulcer management includes turning, positioning, nutritional support, range of motion exercises, supportive devices and infection control.
 - B) The facility protocol for decubitus ulcer prevention must be adhered to.
- 5) The individual requires and receives intensive physical habilitation due to a functional deficit (as determined by physical or psychological causes).
 - A) Intensive physical habilitation occurs throughout the individual's working hours to promote skill acquisition, or
 - B) The individual requires and receives intensive contracture prevention via "hands on" assistance.
 - C) When staff is meeting functional and service needs of an individual, that time should be used for priority objective/goal attainment. For example, when the individual has been repositioned, staff stimulation should occur, or the individual is ambulated with assistance to the bathroom

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or the dining room rather than taken in a wheelchair.

AGENCY NOTE: Range of motion to all extremities as indicated in the IPP should be incorporated into the individual's daily routine/programs (dressing, bathing, feeding, etc.).

Section 144.175 Functional Needs

Functional needs are the basic needs of all persons. All functional needs of each individual must be addressed. The individual's IPP must provide a current assessment of his/her developmental level in each area of functional need. On the basis of the assessment outcome, the IDT determines if each area of an individual's functional needs can be addressed independently by the person, or is to be addressed as a service need or through a training program. The IPP specifies the individual's level of dependence/independence, types of assistance needed, and developmental skill interventions (programs) designed to increase functional independence. The IPP shall address skill maintenance if the individual demonstrates any skill regression or loss of functional status. The individual's preferences shall also be acknowledged (i.e., tub or shower bathing). Additional reimbursement is paid for an individual who needs and receives partial or total assistance in meeting functional needs (89 Ill. Adm. Code 146.225(b)(3)). This reimbursement is provided only when an individual meets the criteria for mobility assistance and/or high personal care under Specialized Care-Health and Sensory Disabilities (Section 144.150(b) and (c)). The functional needs of all individuals are:

a) Bathing

Bathing means bathing all, or some part of the body, including the hair, whether the bath occurs in a tub, shower, or bed.

b) Clothing

Clothing means total dressing and undressing, including stockings or socks and shoes.

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c) Eating

Eating means to consume or assimilate food or nutrients to fulfill nutritional needs. Eating includes both oral and tube feedings.

d) Grooming/Personal Hygiene

Grooming/personal hygiene means bodily maintenance including combing hair, cleaning and clipping nails, shaving if applicable, tooth brushing and oral hygiene including denture care, daily deodorant use, hygiene associated with menstruation, makeup application when desirable and appropriate, and daily hands and face washing.

e) Toileting/Continence

Toileting means the appropriate use of a toilet, including related undressing/dressing activities, and necessary follow-up hygiene.

f) Mobility

Mobility means the power of locomotion and includes transfers/movements which are accomplished by independent ambulation and via the employment of assistive devices such as walkers, wheelchairs, braces, and prostheses.

g) Psychosocial Mental Status

Psychosocial mental status means the achievement of a sense of well-being and emotional balance in one's relationship with self, other persons, and one's daily environment.

Section 144.200 Service Needs - Medical Care

a) Physician Services (42 CFR 483.460 (a) and (b), 1989).

- 1) Physician services must be available in a facility on a 24-hour a day basis.
- 2) If a physician determines that an individual

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requires 24-hour licensed nursing care, the physician must develop a medical care plan of treatment in coordination with licensed nursing staff.

- 3) The facility must provide/obtain preventative and general medical care, as well as annual physical examinations of each individual. This annual examination must include at a minimum a vision evaluation, a hearing evaluation (if an annual hearing screen has not been conducted by a speech-language pathologist or audiologist), immunizations as needed, routine laboratory examinations (screenings) as deemed necessary by the physician, and tuberculosis control which is appropriate to the facility's population.

- 4) As permitted by state law (68 Ill. Adm. Code 1350), the facility may employ physician assistants to provide physician services under this Section.

- 5) A physician must participate in the IPP development of each newly admitted individual, and the physician must participate in the IPP review and update if appropriate.

- b) Nursing Services (42 CFR 483.460(c) and (d), 1989).

The facility must provide individuals with licensed nursing services according to their needs. These services must include:

- 1) Participation in IPP development as part of the IDT process.
- 2) Participation in medical care plan development, along with the physician, when it is determined by the physician that an individual requires such a plan.
- 3) A health status review, for individuals who are certified as not requiring a medical care plan, which is performed at least quarterly and results in any necessary action to address health problems.

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- 4) Provision of nursing care as prescribed by the physician.
- 5) Promotion of protective and preventive health measures, and the control of communicative diseases and infections through training and instruction to individual residents and facility personnel.

- c) Dental Services (42 CFR 483.460(e), (f), (g), and (h), 1989).

The facility must ensure the availability of comprehensive (dental) diagnostic and treatment services for each individual. These services must be provided by qualified personnel, including licensed dentists and dental hygienists.

- 1) Comprehensive dental diagnostic services include a complete extraoral and intraoral examination within one month of an individual's admission to a facility, and periodic examination and diagnosis to be performed at least annually.
- 2) Comprehensive dental treatment services include the availability of emergency dental treatment on a 24-hour a day basis and dental care required for the relief of pain and general maintenance of dental health.

Section 144.205 Service Needs - Medical and Therapy Services

- a) Medical and therapy services refer to care which an individual must receive in order to attain his/her greatest level of physical/emotional health and development. This care must be provided in accordance with each individual's IPP. The person or staff level responsible for implementation of medical and therapy services is specified in the individual's IPP (Section 144.105(a)(3)). Additional reimbursement is paid for an individual who needs and receives some medical and therapy services (89 Ill. Adm. Code 146.225(b)(3B)), when the individual's need for such services is documented in the IPP. This reimbursement is provided

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only when an individual meets the criteria for services under Specialized Care-Health and Sensory Disabilities (Section 144.150(c) and (d)).

- b) Medical and therapy services which an individual may require and receive are:

- 1) Appliances

Appliances are devices applied to a part of the body for performing, or for facilitating the performance of, a particular function. Appliances are indicated per physician or dentist order. Facility staff will assist the individual with application and/or maintenance of an appliance, when appropriate.

- A) Simple Appliances

- i) hearing device (one or two),
- ii) elastic joint support,
- iii) ted or jobst hose (one or two),
- iv) neck brace,
- v) truss,
- vi) prescribed elastic bandage,
- vii) cervical collar,
- viii) arm brace,
- ix) head brace,
- x) sling,
- xi) artificial eye,
- xii) protective helmet,
- xiii) eye glasses,

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- xiv) dentures,
 - xv) augmentative communication system,
 - xvi) wheelchair cuff, and
 - xvii) Activities of Daily Living (ADL) adaptive equipment.
- B) Complex Appliances
- i) back brace,
 - ii) body jacket,
 - iii) artificial limb,
 - iv) individual customized wheelchair,
 - v) ankle foot orthosis,
 - vi) knee ankle foot orthosis,
 - vii) hip knee ankle foot orthosis,
 - viii) miscellaneous lower extremity orthosis, and
 - ix) adaptive splints.

2) Catheterization

The individual requires and receives catheterization services, as per physician order. Catheterization includes daily intermittent catheterization, and the care and irrigation of indwelling catheters, Texas catheters, and suprapubic catheters, as per physician order.

3) Decubitus Treatment and Prevention

- A) The individual requires and receives treatment for a decubitus ulcer, Stage I, II, III or IV, as per physician order.

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Section 144.205 Service Needs - Medical and Therapy Services (Cont'd)

- B) The individual has been assessed to determine his/her risk level for developing decubitus ulcers. A comprehensive preventative program is implemented when appropriate, as specified in the IPP, which may include (but is not limited to) such measures as special mattresses and/or cushions to reduce pressure, a positioning schedule, a range of motion program, nutritional support, and a skin care program (i.e., daily skin observation, whirlpool, etc.)
- 4) Injections
- The individual requires and receives an injection, or injections, as per physician order.
- 5) Intravenous Therapy and Clysis
- The individual requires and receives intravenous therapy, or clysis, as per physician order.
- 6) Laboratory Services
- The individual requires laboratory services, as per physician order, and facility staff (or outside laboratory staff) have collected the indicated specimen(s). Laboratory specimens include blood specimens, urine specimens (routine urine collection, midstream "clean catch" or by catheter), sputum specimens, stool specimens, throat or lesion swabs, and urine specimens for sugar and acetone. Telephonic pacemaker checks and electrocardiograms are also included under Laboratory Services.
- 7) Medications/Medication Monitoring
- A) The individual requires and receives medication(s) as per physician order, which can be administered by multiple routes and requires routine monitoring by licensed personnel and habilitation staff under licensed personnel supervision, to check for

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untoward reactions or side effects. Routine monitoring includes vital signs, urine testing for sugar and acetone, and general observation of the individual's status. Routine monitoring usually results in few or no changes in medication type, dosage or medication, or amount of assessment/monitoring needed.

- B) The individual requires and receives medication(s) as per physician order which can be administered by multiple routes and requires special monitoring by licensed staff to check for untoward reactions or side effects. Such monitoring of side effects, changes in the individual's status, lab work, or apparent drug interactions can result in changes of dosage or medication type, or in a continuing assessment of an unstable condition.
- C) The individual requires and receives a psychotropic medication (chemical restraints) for the reduction/elimination of inappropriate behavior, as per physician order and approval by the IDT. A program of medication reduction and withdrawal is established by the individual's physician, in conjunction with the IDT, and incorporated into the IPP as described in Section 144.125(d)(3) Drug Usage (Chemical Restraints).

8) Occupational Therapy

Occupational therapy services are developed specifically for the individual to improve and/or maintain his/her functional ability, in conjunction with the IDT assessment (physician concurrence required). These services are designed to improve the individual's independent function, and prevent insofar as possible, irreducible or progressive disabilities. An individualized plan of occupational therapy, or

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Section 144.205 Service Needs - Medical and Therapy Services (Cont'd)

an occupational habilitation program, must include measurable goals and periodic documentation of progress toward those goals.

9) Ostomy Care

The individual requires and receives ostomy care, as per physician order. Included in this service category are gastrostomy, ileostomy, jejunostomy and colostomy.

A) Uncomplicated ostomy care is routine care and maintenance of the ostomy (i.e., cleansing and appliance change).

B) Complex ostomy care is special care that, given the individual's overall condition, must be provided by licensed personnel. Complex ostomy care is required for postoperative ostomies, Percutaneous Endoscopic Gastrostomy (PEG) tubes, and ostomies which have become excoriated or require application of a prescription medication.

10) Passive Range of Motion (PROM) Exercises

The individual requires and receives PROM exercises, as determined by the IDT, to at least one extremity on a daily basis.

11) Physical Therapy

Physical therapy services are developed specifically for the individual to improve and/or maintain his/her functional ability, in conjunction with the IDT assessment (physician concurrence required). These services are designed to improve the individual's independent function, and prevent insofar as possible, irreducible or progressive disabilities. An individualized plan of physical therapy, or a physical habilitation program, must include measurable goals and periodic documentation of progress toward those goals.

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Section 144.205 Service Needs - Medical and Therapy Services
(Cont'd)

12) Positioning

The individual is physically dependent, and requires and receives frequent repositioning, as specified by the IDT, for the maintenance of proper body alignment, the functional positioning of the limbs, and to reduce the likelihood of contracture and/or deformity. A specific plan for positioning should be reflected in the individual's IPP, and such positioning should be addressed at the specified intervals regardless of the individual's whereabouts or means of physical support (i.e., bed, specially adapted wheelchair, etc.).

13) Respiratory Therapy

The individual requires and receives respiratory therapy services, as per physician order. Respiratory therapy services include oxygen, positive pressure breathing therapy, humidity therapy, or aerosol therapy. Respiratory therapy services may be provided on an intermittent or continuous basis.

14) Skin Care

The individual requires and receives skin care as indicated in his/her IPP. Skin care services include the application of nonmedicated lotions and ointments used to treat minor skin irritation, simple dermatitis or dry skin.

15) Speech Language Pathology/Audiology (SLP/A) Services

The individual requires SLP/A services as indicated by screening tests and complete audiological and/or speech language diagnostic evaluation(s). The individual receives SLP/A services according to an individualized plan which includes measurable goals. These services are designed to improve the individual's functional means of communication and abilities

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Section 144.205 Service Needs - Medical and Therapy Services
(Cont'd)

for independence, and prevent insofar as possible, irreducible or progressive disabilities.

16) Suctioning/Bronchio Hygiene

The individual requires and receives suctioning or bronchio hygiene services as per physician order. Suctioning services include the aspiration of secretions from the oral/nasal passages by bulb syringe; mechanical suctioning of oral, nasal or tracheal secretions by licensed staff; and the application of postural drainage, percussion and vibration (bronchio-hygiene).

17) Tracheostomy Care

The individual requires and receives care of the tracheostomy site, as per physician order. Tracheostomy care must be performed by licensed staff.

A) Simple tracheostomy care means routine cleansing and nonsterile dressing change.

B) Complex tracheostomy care means sterile and/or complicated dressing changes, suctioning or changing of the tracheostomy tube, and monitoring of an unstable respiratory status.

18) Wound Care

The individual requires and receives wound care, as per physician order. Wound care includes dressings and/or skin treatments for noninfected areas; and complex dressings (i.e., sterile or post-op) and/or treatment to infected areas/lesions.

Section 144.225 Individual Rights

a) A facility must safeguard the rights of individuals and promote the exercise of rights by the individuals who reside therein. The facility must:

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Section 144.225 Individual Rights (Cont'd)

- 1) Inform each individual, parent (if the individual is a minor), or legal guardian, of the individual's rights and the facility rules.
- 2) Inform each individual, parent (if the individual is a minor), or legal guardian, of the individual's medical condition, developmental and behavioral status, any risks associated with planned treatments and of the right to refuse treatment.
- 3) Inform each individual, parent (if the individual is a minor), or legal guardian, of the individual's right to exercise freedom of choice in selecting a physician.
- 4) Allow and encourage individuals to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints, and the right to due process.
- 5) Allow individuals to manage their financial affairs, and teach them to do so to the extent of their capabilities.
- 6) Encourage respect for each individual's uniqueness and autonomy. Such respect results in tolerance for the individual's personal differences and characteristics.
- 7) Provide the opportunity for individuals to exercise freedom of choice and personal decision making in their daily lives, such as choices regarding roommates, leisure activities, and clothing.
- 8) Make every attempt, in the case of an individual who is not competent to independently make his/her own decisions, to make a referral for the individual to the State Guardianship and Advocacy Commission.
- 9) Provide individuals with the opportunity for privacy during any treatments and for the care of

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Section 144.225 Individual Rights (Cont'd)

- personal needs such as bathing, dressing, and toileting.
- 10) Ensure the freedom of individuals from physical, verbal, sexual or psychological abuse or punishment, and from unnecessary drugs and physical restraints.
 - 11) Ensure that individuals have access to, and privacy regarding associates of their choice, sending and receiving unopened mail, and incoming and outgoing telephone calls.
 - 12) Permit individuals to retain and make use of personal property, including clothing and other possessions.
 - 13) Provide individuals with varied opportunities to participate in social, religious and community group activities.
 - 14) Provide individuals with storage space for personal property, and take steps to ensure that such property is not stolen, lost, or co-mingled with the possessions of other individuals residing in the facility.
 - 15) Ensure that individuals are not compelled to perform services for the facility, and ensure that individuals who do work in the facility are compensated for their efforts at prevailing wages and commensurate with their abilities.
 - 16) Permit a husband and wife who both reside in the facility to share a room.
- b) In the event that restrictions must be placed on an individual's rights, the IDT must:
- 1) inform the individual and/or the parent, guardian, or advocate of the individual's right to appeal the restrictions (and any steps or information used to impose the restrictions) and the process used for making such an appeal;
 - 2) specify plans in the IPP which are in place to

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Section 144.225 Individual Rights (Cont'd)

enable the individual to gain access to the restricted rights;

- 3) document the review and approval of the restrictions by the facility's Human Rights Committee (see Section 144.125(e)(1)); and

- 4) document the individual's progress toward access to the restricted rights.

Section 144.250 Discharge Planning/Maximum Growth Potential Plan

- a) Standards set forth in Medicaid Regulations (42 CFR 435.1009, 1989) require that the need for services of a facility for a person with developmental disabilities must be established through an assessment which demonstrates that the individual:

- 1) Requires the 24 hour a day supervision which such a facility provides, and
- 2) Has substantial functional limitation in three or more of the following areas of major life activity, as defined in 89 Ill. Adm. Code 140.642, Long Term Care Screening Assessment:

- A) self care;
- B) understanding and use of Language;
- C) learning;
- D) mobility;
- E) self-direction; and
- F) capacity for independent living.

- b) According to Medicaid Regulations (42 CFR 483.440 (a)(1) and (2), 1989), an individual who resides in a facility and does not meet the foregoing residence requirements must be discharged to a non-Medicaid facility or other living arrangement. If the facility has attempted to secure an appropriate living

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Section 144.250 Discharge Planning (Cont'd)

arrangement as determined by the IDT for the individual, but such a placement is not available, the facility must document all attempts at discharging the individual. The individual in this case may remain in the facility until an appropriate placement becomes available.

- c) Thirty-days following admission, a maximum growth potential plan must be developed by the IDT as a component of the individual's IPP. The maximum growth potential plan is an overall plan which identifies the deficits in the six areas of major life activity (see 89 Ill. Adm. Code 140.642(g)(1)) which prevent the individual from moving into a less restrictive setting. The support services necessary for the individual to attain his/her maximum growth potential must be identified. Specific information is included regarding the individual's need for supervision. The plan addresses the acquisition of behaviors necessary for the individual to function with enough self-determination and independence to successfully move into a less restrictive environment.

- d) The specific discharge plan is a component of the maximum growth potential plan. A discharge plan identifies the following:

- 1) the specific facility or setting the individual will be moved to, and
- 2) the specific areas which need to be addressed prior to the move, such as:
 - A) transportation needs
 - B) orientation to the new setting
 - C) the actual moving date
 - D) planned meetings with the receiving facility/environment
 - E) family/friendship considerations
- e) Prior to the individual's discharge, the facility must discuss the upcoming change with the individual and

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Section 144.250 Discharge Planning (Cont'd)

his/her family, guardian or advocate. The facility should also inform them of community services which will be available to the individual in his/her new environment after discharge.

- f) In conformance with high standards relative to facility practices, the individual's discharge plan should include a plan for an ongoing follow-along process for at least three months after discharge to insure that the new living environment is responsive to the individual's needs. However, the Department's IOC Program does not provide for review of this component of discharge planning.

- g) At the time of discharge, the facility must:

- 1) prepare a discharge summary of the individual's developmental, behavioral, social, health, and nutritional status, as well as recommendations for future programming and follow-up services; and
- 2) provide a post-discharge plan of care to the individual's new living environment, to assist him/her to adjust successfully to that environment.

Section 144. TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors

a) Staff Intensity Scale

- 1) The Staff Intensity Scale (SIS) is designed to describe behavior problems which are displayed by children and adults who have developmental disabilities. The rating categories were not "borrowed" from instruments used to describe problems among other disability groups. Rather, the behavior modification practitioners who designed the SIS focused on the behavior problems of people with developmental disabilities who live in institutions or community settings.
- 2) The Staff Intensity Scale measures twenty-four major areas of problem behavior. These areas are

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Section 144. TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors (Cont'd)

denoted within the scale as capitalized and underlined section headings. The 24 behavior areas include the following:

- A) Coercive Sexual Behavior
- B) Offensive Bodily Exposure
- C) Suicide Attempts and Threats
- D) Pica
- E) Verbal Abuse
- F) Mania
- G) Inappropriate Affect
- H) Manipulative Behavior
- I) Physical Assault
- J) Property Theft
- K) Substance Abuse
- L) Extreme Irritability
- M) Hyperactivity
- N) Temper Tantrums
- O) Wanders, Roams, Runs Away
- P) Depression or Excessive Withdrawal
- Q) Hallucination
- R) Delusions
- S) Fire Settings
- T) Self-Injurious Actions
- U) Handles/Plays with Bodily Waste

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Section 144. TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors (Cont'd)

V) Property Destruction

W) Resists Supervision

X) Stereotypical Behavior

- 3) Proper use results in descriptions of three behavioral dimensions. First, the absence or presence of a behavior problem in each of the twenty-four major areas can be indicated. Second, the rater can describe the severity of the behavior problem within a major area. For example, within the major area PHYSICAL AGGRESSION, light slaps directed at another can be differentiated from a range of aggressive behavior including life-threatening attacks. Third, the rating scale also yields a description of the frequency of a problem along a frequency continuum which is appropriate to the behavior. For example, since self-stimulatory behavior usually occurs at a much higher rate than coercive sexual behavior, the frequency continua for the two behavioral areas differ accordingly.

- 4) Beyond providing a basis for comparative information for clinical client evaluation at two or more points in time, the rating scale also allows comparison between groups of individuals. This latter comparison is an important aspect of the SIS. If the relative severity of individuals' behavior problems can be measured accurately, then allocation of staffing resources can occur in accord with problem severity.

b) Using the Instrument to Rate a Client

- 1) The rater should be a psychologist, program unit director, or behavior therapist responsible for the development, implementation and evaluation of the client's behavior programming. It is best to become thoroughly familiar with the instrument before rating a client. Read through each of the descriptions associated with the 24 behavioral areas, noting how the frequency continua change from area to area and how the behavioral

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Section 144. TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors (Cont'd)

descriptions span a range of problem severity within each area. Also note that the position of the behavioral areas of the rating scale follows no pattern. Position within the list was randomized to decrease chances that rating within an area would be affected by rating in adjacent areas.

- 2) After examining the whole list of behaviors thoroughly, go back to the first area and begin rating the client's behavior in that area and in each subsequent area in turn. A rating is expressed by marking an "x" on one of the lines under the frequency column ("once or more per minute, hour, day, etc.") and next to the behavioral definition in the area which best describes the most staff consuming behavior problem displayed by the client within the behavioral area. If the client does not receive structured data based behavioral programming in an area, do not mark any of the lines for that area. Similarly, if a client no longer displays maladaptive behavior at the minimal frequency associated with that behavioral area do not mark any of the lines for that area. If you are currently working with a client who displays a behavioral problem at a frequency higher than that associated with the relevant area of the scale, mark the most frequent occurrence listed.

- 3) Observing the following rules will eliminate errors in rating interpretation:

- A) For each of the 24 major behavior problem areas, all lines should be left blank if the client does not receive a program in the area or the problem occurs at a frequency lower than the lowest frequency category associated with the area.
- B) For each of the 24 major behavior areas, a single line should be marked with an "x" if the client has a behavior problem in the area and receives a structured behavior management program.

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Section 144.TABLE A

Overview of Staff Intensity Scale of Maladaptive Behaviors (Cont'd)

- C) The line marked with an "x" should indicate the current frequency of the problem behavior which consumes most staff time within the behavior problem area.
- D) None of the 24 major behavior problem areas should be marked with more than one "x".

Section 144.TABLE B

Staff Intensity Scale

Client Name	_____	Client Identification	_____
Residential Facility	_____	Client Birthdate	_____
Day Program	_____	Assessment Date	_____
Assessor	_____		_____

Once or More Per:	_____	_____	_____
Day	Week	Month	Year

a) Coercive Sexual Behavior

- 1) Touches or grabs others' genitals without their consent and/or is aggressively affectionate but will cease engaging in behavior(s) upon request.
- 2) Intimidates (without injuring) another to engage in sexual behaviors not including penetration of bodily orifices.
- 3) Intimidates (without injuring) another to engage in sexual behaviors including penetration of bodily orifices.

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Section 144.TABLE B

Staff Intensity Scale (Cont'd)

- 4) Injures victim in the course of a sexual attack which may or may not include penetration of bodily orifices.

Once or More Per:	_____	_____	_____
Day	Week	Month	Year

Once or More Per:	_____	_____	_____
Day	Week	Month	6 Mo.

b) Offensive Bodily Exposure

- 1) Engages in partial or full nudity or genital exposure in view of others in inappropriate locations within the treatment setting only.
- 2) Exposes self (not including genitals) in a manner offensive to others when outside the treatment setting.
- 3) Exposes self (including genitals) in a manner offensive to others when outside the treatment setting.

Once or More Per:	_____	_____	_____
Day	Week	Month	Year

c) Suicide Threats and Attempts

- (These behaviors imply purposeful suicidal action as opposed to self-injurious actions or pica behavior devoid of conscious suicidal intent.)
- 1) Threatens to commit suicide, may or may not be

specific how and does not attempt to injure self (e.g., states, "I'm going to kill myself," but does not follow statement with action).

2) Purposefully engages in behavior that could be fatal, with or without precursory threats, but discontinues behavior upon verbal intervention without injuring self.

3) Purposefully engages in behavior that could be fatal, with or without precursory threats. Injures self, or is prevented from self-injury only by physical staff intervention.

d) Pica

1) Mouthing and licking of non-food objects or compulsive and excessive eating and/or drinking of food and liquids.

2) Consumption of non-food objects in volume small enough to be not life-threatening, e.g., small pieces of rubber, plastic or fabric,

Once or More Per:
4
Hrs. Day Week Month

soil, small nuts and bolts, grass, etc.

3) Consumption of life-threatening materials such as paint, cleaning compounds, soap, boiling liquids, sharp objects, large objects that may cause alimentary blockages, or small objects (as in 2 above) in large enough volume to be life-threatening.

e) Verbal Abuse

1) Uses mocking and teasing language.

2) Uses language hostile in tone (e.g., sarcastic or intimidating) or content, whether obscene or not; may yell or scream threats of violence without designating a specific person as a target.

3) Directly and explicitly threatens specific others with physical harm or violence.

f) Mania

Once or More Per:
Day Week Month 6 Mo.

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Section 144. TABLE B Staff Intensity Scale (Cont'd)

Day	Once or More Per:	
	Month	6 Mo.

- 1) Engages in constant activity marked by bizarre behavior, incoherent speech and a nasty response if ignored or crossed.

Day	Once or More Per:	
	Month	6 Mo.

g) Inappropriate Affect

- 1) Displays emotional tone that is incongruent in general form or degree, with the idea, object or thought accompanying it. Lack of emotional tone ("flat" affect) or incongruent and changing emotional tone ("labile" affect).

Day	Once or More Per:	
	Week	Month

h) Manipulative Behavior

- 1) Circumvents authority by asking successive individuals in authority the same question/request until receiving the desired answer or permission.
- 2) Exchanges items of unequal values to own benefit, e.g., trading a candy bar to get a coat.
- 3) Lies about others to get them into trouble or to obtain a self-serving goal; or uses another person as

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Section 144. TABLE B Staff Intensity Scale (Cont'd)

Day	Once or More Per:	
	Week	Month

- an agent to perform unlawful, unacceptable or dangerous acts.

Hrs.	Once or More Per:	
	Day	Week

i) Physical Assault

- 1) Light striking, kicking, pushing of others that is purposeful, but does not appear to cause pain to the target person.

- 2) Purposeful attack of others that causes reddening of the skin of the target person.

- 3) Purposeful attack of others that causes superficial injury(s) requiring medical attention.

- 4) Attacks with intent to cause severe injury (e.g., broken bones) using potentially lethal force with or without use of weapon.

Day	Once or More Per:	
	Week	6 Mo.

j) Property Theft

- 1) Takes others' belongings of little or no monetary value or importance - may be indicative of hoarding.

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Section 144. TABLE B Staff Intensity Scale (Cont'd)

Once or More Per:
Day Week Month 6 Mo.

- 2) Steals for personal use; or steals belongings of moderate or greater monetary value or importance (advance planning is involved); may barter or sell goods taken.

Once or More Per:
Day Week Month

k) Substance Abuse

- 1) Uses alcohol or non-addictive substances to become intoxicated.
- 2) Has an alcohol dependency.
- 3) Is addicted to a controlled substance.
- Persons who use tobacco products or alcohol at levels that do not produce intoxication should not be scored on this item.

Check box if condition is present regardless of frequency.

Once or More Per:
Day Week

l) Extreme Irritability

- 1) Acts fretful or annoyed in an overly reactive manner to an extent that inter-

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Section 144. TABLE B Staff Intensity Scale (Cont'd)

Once or More Per:
Day Week

feres with own social functioning and/or upsets others.

- 2) Displays anger in an overly reactive manner that staff perceive as potentially resulting in physical aggression.

Once or More Per:
Day Week

Min. Hour Hrs. Day

m) Hyperactivity

- 1) Moves about area continuously in a somewhat predictable and moderately-paced manner.
- 2) Moves around area continuously in a seemingly random and very rapid manner.
- 3) Bounces up and down or is in and out of chair/place/work station continuously.

Once or More Per:
Day Week Month

n) Temper Tantrums

- 1) Makes inconsequential verbal threats and/or cries loudly, jumps up and down or stamps feet when angered.
- 2) Threatens others physically when upset and/or curses and kicks or hits objects briefly.
- 3) Yells loudly, thrashes about, kicks, cries and presents what

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Section 144.TABLE B Staff Intensity Scale (Cont'd)

Once or More Per:
Day Week Month

appears to be an imminent danger to others.

Once or More Per:
Day Week Month

c) Resists Supervision

- 1) Will not comply with staff request to act in a considerate manner (e.g., plays radio too loud, cuts in line) or refuses to comply with staff instructions to correct behaviors or engage in behaviors affecting self in a minor way (e.g., will not bathe regularly, will not brush teeth).
- 2) Refuses to comply with demands to cease behavior or to cooperate, thus significantly disrupting ongoing activities or the living unit in general.
- 3) Refuses to cease behavior constituting imminent and significant danger to self or others.

Once or More Per:

Min. Hour Hrs. Day
4

p) Stereotypical Behavior

- 1) Repetitive motor or verbal activity, including self-stimulation, which does not serve meaningful purposes (e.g., string twirling, bizarre limb or body movements, rocking, repeated verbalizations; DOES NOT

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Section 144.TABLE B Staff Intensity Scale (Cont'd)

Once or More Per:
Min. Hour Hrs. Day
4

INCLUDE self injurious behavior or masturbation).

Section 144.TABLE C IPP Outcomes

Outcomes	Behavior Example	Measurement/Documentation
A) Improvement in target behavior (reduction of excess)	Decrease in frequency of head banging to near zero levels	Frequency counts of hits collected in Daily Logs.
	Decrease in operant vomiting behavior	Incident Records. Frequency counts of vomiting incidents
		Quality Measures Weight gain
B) Acquisition of alternative skills and positive behaviors	Asking for a break rather than hitting others or throwing objects	Frequency count of number of breaks requested related to incident frequency
	Playing video games rather than engaging in rocking	Time spent in arcade; tokens used; time clocked on micro-computer on site
C) Positive collateral effects and absence of side effects	Increase peer interactions as aggression declines	Participation in small group activities that were previously impossible
	Decrease in skin irritations as hand mouthing decreases	Red and flaky skin becomes more normal in appearance
D) Reduced need for and use	Decrease in cuts due to head banging that	Medical/hospital records

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Section 144. TABLE C IPP Outcomes (Cont'd)

Outcomes	Behavior Example	Measurement/ Documentation
of medical and crisis management services for client and/or others	require sutures Decrease in staff injuries due to aggression Decrease in medication prescribed for behavioral control Decrease in emergency and respite hospitalization	Workers' Compensation and health insurance records and claims Reductions and elimination of dosages Hospital/respite center records (also Incident Records)
E) Less restrictive placements and greater participation in integrated community experiences	Home: lives in supported apartment, not institution Work: supported work with pay, not day treatment or sheltered workshop Leisure/recreation: normalized leisure time repertoire, not Special Olympics or barren day room Community: participation in community experiences, not restriction to home/work settings	Placement records Placement records and salary amount Schedule of activities Schedule of activities
F) Subjective quality-of-life improvement: happiness, satisfaction, choices for client	More smiling and general positive affect More choices General motivation to participate in daily activities	Observations and reports Rating scale-for choices and record of opportunities Incident record
G) Perceptions of improve-	Family is pleased with behavior change	Increased contact with family

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Section 144. TABLE C IPP Outcomes (Cont'd)

Outcomes	Behavior Example	Measurement/ Documentation
ment by family/significant other	Staff is pleased with behavior change	documented by visit and phone records Fewer complaints, requests for time off, assignment elsewhere, and so forth Agency records of actions involving client problems: need for plans, meetings, and so forth
H) Expanded social relationships and informal support networks	Client problems disappear	Agency records of actions involving client problems: need for plans, meetings, and so forth Increased community participation with peers Paging of once-necessary one-to-one staff assignment to client Friendships Social dating
		Agency records and activity schedule Staffing changes: reduced need for staff Whether client has friends; number of friends Whether client has girlfriend or boyfriend

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

120.10 Amendment
 120.60 Amendment
 120.61 Amendment
 120.62 Amendment
 120.63 Amendment
 120.284 New Section
 120.384 New Section
 120.390 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 120.10, 120.60, 120.61, 120.62, 120.63,
 120.284 and 120.384

Sections 5-4 and 12-13 of the Illinois Public Aid Code
 (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 12-13)

89 Ill. Adm. Code 120.390

Sections 5-2 and 12-13 of the Illinois Public Aid Code
 (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 12-13)

5) Effective Date of Adopted Amendments: March 5, 1990

6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒

7) Do these Adopted Amendments contain incorporations by
 reference? No

8) Date Filed in Agency's Principal Office: March 5, 1990

9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 120.10, 120.60, 120.61, 120.62, 120.63,
 120.284 and 120.384

October 6, 1989 (13 Ill. Reg. 15582)

89 Ill. Adm. Code 120.390

November 13, 1989 (13 Ill. Reg. 17229)

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10) Has JCAR issued a Statement of Objections to these
 amendments? No

11) Differences between proposal and final version:

89 Ill. Adm. Code 120.10, 120.60, 120.61, 120.62, 120.63,
 120.284 and 120.384

Based on comments received from the Joint Committee on
 Administrative Rules and the Administrative Code Division,
 the following changes were made to this rulemaking:

1. in Section 120.10(d) a heading for this subsection is
 added and that heading is "Newborns";
2. in Section 120.60, the second and subsequent lines in
 the title are moved to the one inch margin; and in
 Section 120.60(d)(3)(A), in line 8, the text that
 concludes this subsection is moved to the right 1/2
 inch;
3. in Section 120.61(b) a heading for this subsection is
 added and that heading is "Treatment of Resources";
4. in Section 120.62(b) a heading for this subsection is
 added and that heading is "Community - based
 Residential Settings"; and at line 2 of subsection
 (c), the phrase "89 Ill. Adm. Code" is changed to
 "Section";
5. in Section 120.63(a) a heading for this subsection is
 added and that heading is "In-Home Care Services"; and
6. in Section 120.348(c), in lines 7 and 8, the spelling
 of the words "charges" and "income" are corrected; in
 subsection (c)(2)(C) at line 3, the spelling of the
 word "allowable" is corrected; and in subsection
 (c)(2)(D) at line 4, the spelling of the word
 "spend-down" is corrected.

89 Ill. Adm. Code 120.390

No changes were made to the text of the amendment.

12) Have all the changes agreed upon by the agency and JCAR
 been made as indicated in the agreement letter issued by
 JCAR? Yes

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NOTICE OF ADOPTED AMENDMENTS

13) Will these Adopted Amendments replace Emergency Amendments currently in effect?

89 Ill. Adm. Code 120.10, 120.60, 120.61, 120.62, 120.63, 120.284 and 120.384 No

89 Ill. Adm. Code 120.390 No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.20	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.61	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.74	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.76	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.235	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.281	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.285	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.379	New Section	December 8, 1989 (13 Ill. Reg. 19157)

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Section Numbers Proposed Action Illinois Register Citation

120.385 Amendment December 8, 1989
(13 Ill. Reg. 19157)

120.386 New Section December 8, 1989
(13 Ill. Reg. 19157)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 120.10, 120.60, 120.61, 120.62, 120.63, 120.284 and 120.384

The Department is taking advantage of a recent change in the Medicaid law to permit spend-down of assets. This will correct the inequity of denying an application for medical assistance because of any surplus of assets while permitting a large spend-down of income. This will help provide needed medical benefits to persons who have high medical expenses, but not enough income and assets to pay for those medical expenses.

89 Ill. Adm. Code 120.390

This rulemaking establishes criteria for determining who is an essential person who may be included in the assistance unit. To be considered an essential person the needy relative (other than the caretaker relative) must verify that he/she is providing a specific need/service to the family (45 CFR 233.20 (a)(1)(iv)).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

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The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

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Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant
Women and Infants Under Age One Year Who Do Not
Qualify As Mandatory Categorically Needy
MANG(AABD) Income Standard (Emergency Expired)
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled
Nursing Care, DMHDD, DMHDD Approved Community Based
Settings and Pregnant Women and Infants Under Age
One Year Who Do Not Qualify As Mandatory
Categorically Needy

Cases in Intermediate Care, Skilled Nursing Care and
DMHDD - MANG(AABD) and MANG(C) (Emergency Expired)
Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings Under 39 Ill. Adm. Code
140.643

Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings

Pregnant Women and Infants Under Age One Year Who Do
Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.63

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120.64

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Section
120.70

Supplementary Medical Insurance Benefits, Buy-In
Program

Section
120.72

Eligibility for Medicare Cost Sharing as a Qualified
Medicare Beneficiary (QMB)

Section
120.74

Qualified Medicare Beneficiary (QMB) Income Standard

Section
120.76

Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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120.90
120.91

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.208 Client Cooperation

120.210 Citizenship

120.211 Residence

120.212 Age

120.215 Relationship

120.216 Living Arrangement

120.217 Supplemental Payments

120.218 Institutional Status

120.224 Foster Care Program

120.225 Social Security Numbers

120.230 Unearned Income

120.235 Exempt Unearned Income

120.236 Education Benefits

120.240 Unearned Income In-Kind

120.245 Earmarked Income

120.250 Lump Sum Payments and Income Tax Refunds

120.255 Protected Income

120.260 Earned Income

120.261 Budgeting Earned Income

120.262 Exempt Earned Income

120.270 Recognized Employment Expenses

120.271 Income From Work/Study/Training Program

120.272 Earned Income From Self-Employment

120.273 Earned Income From Roomer and Boarder

120.275 Earned Income In-Kind

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Assets
120.280 Exempt Assets
120.281 Asset Disregards
120.282 Deferral of Consideration of Assets
120.283 Spend-down of Assets (AMI)
120.284 Property Transfers (Emergency Expired)
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SUBPART H: MEDICAL ASSISTANCE -- NO GRANT

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120.338 Incentive Allowance
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Section
120.350 Lump Sum Payments and Income Tax Refunds
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120.376 Payments from the Illinois Department of Children and Family Services
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120.381 Exempt Assets
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120.390 Persons Who May Be Included in the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

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1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16103; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 23, 1986; amended at 11 Ill. Reg. 3992, effective February 19, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility For Medical Assistance

- a) Eligibility for Medical Assistance exists when a client meets the non-financial requirements of the program and the client's nonexempt income (Sections 120.325 and 120.342) available-over-a-six-(6)-month eligibility-period-Sections-120-200-and-120-227 (three-(3)-months-for-Aid-to-the-Medically-Indigent (AMI)) is equal to or less than the applicable Medical Assistance - No Grant (MANG) or Aid to the Medically Indigent (AMI) Standard (Sections 120.20 and 120.50) and non-exempt assets are not in excess of the

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Section 120.10 Eligibility For Medical Assistance (Cont'd.)
applicable asset disregards (Sections 120.282 and 120.382).

- b) If the client's nonexempt income available-over-the-applicable-six-(6)-or-three-(3)-month-eligibility-period is greater than the applicable MANG or AMI Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the applicable time period before becoming eligible to receive Medical Assistance.
- c) A one month eligibility period is used for clients receiving care in an Intermediate (ICF) or Skilled Nursing Care Facility (SNF) or in a Department of Mental Health and Developmental Disabilities (DMHDD) Facility. Nonexempt income and non-exempt assets over the asset disregard ~~is~~ are applied toward the cost of care on a monthly basis.
- d) ~~If a client has nonexempt assets over the asset disregard amount, the client is ineligible for Medical Assistance.~~
- e)d) Newborns
- 1) When the Department becomes aware of the birth of a child to a recipient of an AFDC or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, subject to the following conditions:
- A) The mother must have been receiving AFDC or AABD related medical assistance, or medical assistance due to her pregnancy on the date of birth of the child;
- B) The mother must have been continuously eligible for such medical assistance.
- 2) The newborn shall be eligible to receive medical assistance only from the date of birth for up to one year or until the mother becomes ineligible for medical assistance, whichever comes first.

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Section 120.10 Eligibility For Medical Assistance (Cont'd.)

The newborn can be added to the grant or medical assistance case, if otherwise eligible, through regular procedures by written request at any time.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

The following subsections apply to all cases other than those receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Care Facilities, Department of Mental Health and Developmental Disabilities (DMHDD) Facilities, or DMHDD approved community based residential settings under 89 Ill. Adm. Code 140.643 or pregnant women and infants under age one year who do not qualify as mandatory categorically needy.

a) The eligibility periods for MANG (AABD) and MANG(C) is ~~six (6)~~ one (1) months. The eligibility period shall begin with:

- 1) the first day of the month of application, or
 - 2) the first day of any month prior to the month of application that the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires, or
 - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- b) The eligibility period for AMI is six (6) months. The eligibility period shall begin with:
- 1) the first day of the month of application, or
 - 2) the first day of the month prior to the month of application, if the client meets non-financial

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Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (Cont'd.)

eligibility requirements and if the client so desires, or

- 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.

c) Eligibility Without Spend-down for MANG (AABD), MANG(C) and AMI

- 1) If the client's nonexempt income (Sections 120.220, 120.227, 120.325, and 120.342) available during the ~~six (6)~~ month eligibility period is equal to or below the applicable MANG or AMI Standard (Sections 120.20 and 120.50), and non-exempt assets are not in excess of the applicable asset disregard (Sections 120.282 and 120.382) the client is eligible for Medical Assistance from the first day of the eligibility period. Covered services received during the entire eligibility period will be paid for by the Department.

- 2) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the subsections in (d) below will apply.

- 3) For MANG(C) and MANG(AABD), a full redetermination of eligibility will be made every twelve (12) months. For AMI, clients wishing continued Medical Assistance after the six (6) month eligibility period must reapply for Medical Assistance.

- d) Eligibility with Spend-down for MANG (AABD), MANG(C), and AMI

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Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (Cont'd.)

1) If the client's nonexempt income available during the ~~six (6)~~ month applicable eligibility period is greater than the applicable MANG or AMI Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive Medical Assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income available during the eligibility period exceeds the MANG or AMI Standard and the amount of non-exempt assets in excess of the applicable asset disregard.

2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.

- A) Medical expenses shall be applied to the spend-down obligation in chronological order.
- B) Medical expenses incurred prior to the eligibility period ~~will~~ may be considered for purposes of spend-down ~~only~~ to the extent that the client makes payments on them during the eligibility period ~~and only to the extent of the amount of such payments or to the extent the medical bills remain the responsibility of the client.~~

3) After application for Medical Assistance, the client will be notified in writing of the spend-down obligation. The client will also be notified of the six-month enrollment period, the time in which no new application is necessary. When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for Medical Assistance shall begin effective the first day that the spend-down obligation is met. Covered services received from that date until the end of the eligibility period will be paid for by the

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Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (Cont'd.)

Department. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.

A) If one bill for medical expenses incurred on a certain date is more than enough to equal the spend-down obligation, part of the bill will be used to meet the spend-down obligation and the Department will price the bill to determine the Department's liability, if any. The Department shall be liable only if the Department rate is greater than that part of the bill used to meet spend-down and only for the difference between those two amounts.

B) If more than one bill for medical expenses incurred on the same date would be enough to equal or exceed the spend-down obligation, medical expenses shall be applied to the spend-down obligation in the following order:

- i) Medicare and other health insurance premiums, deductibles or coinsurance charges;
 - ii) medical expenses for services recognized under State law but not included in the State plan;
 - iii) medical expenses for services included in the State plan. Once medical expenses are applied towards the spend-down obligation, the order of application shall not be changed.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part

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determined to be the responsibility of the client shall be considered as incurred on the date of service.

- 4) Prior to the end of the eligibility six-month enrollment period all clients, whether or not the spend-down obligation has been met, shall be notified in writing that the eligibility period enrollment will end on a certain date. The client will also be informed by this notice that if he or she wishes continued Medical Assistance, a reapplication must be filed. Upon reapplication, a new eligibility six-month enrollment period will be established (assuming non-financial factors of eligibility are met), and, if appropriate, a new spend-down obligation will be created. If the client files a reapplication prior to four (4) months after the end of the initial eligibility six-month enrollment period, the client will be sent through a special, abbreviated intake procedure making use of current case record materials to verify factors of eligibility not subject to change.

- 5) The client is responsible to report any changes that occur during the eligibility six-month enrollment period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance.

- 6) If changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for Medical Assistance shall be made by the Department. The client will be notified in writing of the new spend-down obligation.

- A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down obligation, eligibility for

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Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy (Cont'd.)

Medical Assistance shall be back-dated to the appropriate date.

- B) If income or assets increases, and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he or she will no longer receive a Medical Eligibility Card and eligibility for Medical Assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

Section 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and MANG(C)

- a) The following rule applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Care Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities.

b) Treatment of Resources

- 1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

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Section 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and MANG(C) (Cont'd.)

2) When a client transfers between non-DMHDD facilities or transfers to a DMHDD facility, non-exempt income and/or excess assets ~~is~~ are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets ~~is~~ are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD.

3) If non-exempt income and non-exempt assets over the applicable asset disregard ~~is~~ are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.

c) Allow a deduction from the MANG client's income to meet the needs of a dependent spouse and/or children under age 21 who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:

1) for a spouse only, use the AABD MAG standard and asset disregard (see Sections 120.20 and 120.382).

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Section 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and MANG(C) (Cont'd.)

2) for spouse and/or dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).

3) allow any payments made on medical bills for the spouse and/or children.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

Section 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

a) Community-based Residential Settings

1) The following rule applies to individuals receiving in-home care services through the Department of Mental Health and Developmental Disabilities (DMHDD) in accord with 89 Ill. Adm. Code 140.643. The in-home care services are provided in the following community based residential settings.

- A) Community Living Facilities (CLF)
- B) Special Home Placements (SHP)
- C) Supported Living Arrangement (SLA)
- D) Home Individual Program (HIP)
- E) Community Residential Alternatives (CRA)

2) A definition of the above quoted Home and Community based residential settings as well as a description of the Title XIX waiver services can be found at 59 Ill. Adm. Code 120.

b) A one-month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.

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Section 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643 (Cont'd.)

Section 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643 (Cont'd.)

- c) A one-person MANG Community Income Standard will be used (see 89 Ill. Adm. Code Section 120.20).
- d) The client shall be allowed an asset disregard in the amount for one client in accord with Section 120.382. Assets are considered in accord with 89 Ill. Adm. Code 113.140, 113.141, 113.142 and 113.154.
- e) If the client has SSI income, the SSI income will be applied by DMHDD toward the cost of room and board. However, no payment will be made by the Department for the cost of room and board. The client shall be responsible directly to DMHDD for payment of room and board costs.
- f) If the client's non-exempt income is greater than the MANG standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive Medical Assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income available during the eligibility period exceeds the MANG standard and the amount of non-exempt assets in excess of the applicable asset disregard.
- g) The client may meet the spend-down by incurring Title XIX waiver (in-home care) services. Waiver services are considered incurred in total for the month on the first day of the month or the first day of stay for a month that the client resides in the approved residential setting if for less than an entire month. If the cost of waiver services equals or exceeds the spend-down amount, the spend-down obligation is met. DMHDD will provide the local office a statement of expected monthly charges for waiver services to ensure that the spend-down obligation is met.
- h) If the client's non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.

- i) If the client's non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered services less the client's liability (excluding Title XIX waiver services) received from the date the spend-down obligation is met date until the end of the eligibility period. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.

- j) A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved Home and Community based residential setting.
- k) A case review is required for eligible cases placed in an approved residential setting.
- l) A full redetermination of eligibility shall be made every twelve months.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

Section 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

a) In-Home Care Services

- 1) This Section applies to individuals receiving remedial care services through the Department of Mental Health and Developmental Disabilities (DMHDD) in Home and Community Based Residential Settings approved by DMHDD. Remedial care services are those services (except for room and board) provided by DMHDD that are directed toward meeting the needs of disabled clients who are not receiving services through the Department's

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Section 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Cont'd.)

In-Home Care Program (see Section 120.62). The remedial care services are provided in the following Home and Community Based Residential Settings:

- A) Community Living Facilities (CLF)
- B) Special Home Placements (SHP)
- C) Supported Living Arrangement (SLA)
- D) Home Individual Program (HIP)
- E) Community Residential Alternatives (CRA)
- 2) A definition of the Home and Community Based Residential Settings can be found at 59 Ill. Adm. Code 120.

- b) A one-month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.
- c) A one-person MANG Community Income Standard will be used (see Section 120.20).
- d) The client shall be allowed an asset disregard in the amount for one client in accord with Section 120.382. Assets are considered in accord with 89 Ill. Adm. Code 113.140, 113.141, 113.142 and 113.154.
- e) If the client has SSI income, the SSI income will be applied by DMHDD toward the cost of room and board. The client shall be responsible directly to DMHDD for payment of room and board costs. No payment will be made by the Department for the cost of room and board.
- f) If the client's non-exempt income is greater than the MANG Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical

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Section 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Cont'd.)

assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income available-during-the-eligibility-period exceeds the MANG Standard and the amount of non-exempt assets in excess of the applicable asset disregard.

- g) The client may meet the spend-down by incurring costs for remedial care services. Remedial care costs are the cost of all services reported by DMHDD that exceed the MANG Community Income Standard and the Income Disregard amount. Remedial care services are considered incurred in total for the month on the first day of the month or the first day of stay for a month that the client resides in the approved residential setting if for less than an entire month. If the cost of remedial care services equal or exceeds the spend-down amount, the spend-down obligation is met. DMHDD will provide the local office a statement of expected monthly charges for remedial care services to ensure that the spend-down obligation is met.
- h) If the client's non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.
- i) If the client's non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. Covered services, less the client's liability, received from the spend-down met date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.
- j) A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved Home and Community Based Residential Setting.

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Section 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Cont'd.)

k) A case review is required for eligible cases placed in an approved Home and Community Based Residential Setting.

1) A full redetermination of eligibility shall be made every twelve months.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.284 Spend-down of Assets (AMI)

a) Determination of Assets

1) For individuals residing in the community, the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for an enrollment period is not considered as an asset for that same enrollment period. If income for a month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following month(s) is considered as an asset.

2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes a backdated month, for the backdated month(s), the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for a backdated month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine spend-down status in the backdated month of eligibility.

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NOTICE OF ADOPTED AMENDMENTS

Section 120.284 Spend-down of Assets (AMI) (Cont'd.)

3) Once the excess asset has been used to meet spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication, the Department will consider any excess non-exempt assets remaining as currently available.

b) Community Cases

To determine the spend-down obligation for AMI clients, the Department will compare the amount of countable income anticipated to be received during the six month enrollment period to the appropriate AMI Standard and add any non-exempt assets in excess of the appropriate asset disregard to countable income in excess of the appropriate AMI Standard.

1) Regular AMI

When an individual residing in the community, has countable income during the six-month period of not more than 99 cents over the appropriate AMI Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular AMI case. Payment for covered services is made for each month of the authorization period.

2) Spend-down AMI

A) When the individual resides in the community and has countable income during the six-month period of at least \$1.00 over the AMI Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spend-down case. The spend-down amount is the sum of the amount of income in excess of the appropriate AMI Standard and any non-exempt assets in excess of the appropriate asset disregard. The Department will disregard excess countable income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

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NOTICE OF ADOPTED AMENDMENTS

Section 120.284

Spend-down of Assets (AMI) (Cont'd.)

B) The transfer of asset policy set forth in Section 120.285 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to policy set forth in Section 120.285, the Department will make the appropriate changes the month following the month the assets were transferred. If the resource spend-down has been met, the policy set forth in Section 120.285 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

D) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Individuals are not required to reduce excess assets prior to the issuance of a medical card.

(Source: Added at 14 Ill. Reg. 4233, effective March 5, 1990)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.384

Spend-down of Assets (MANG)

a) Determination of Assets

- 1) For individuals residing in the community the Department determines the amount of non-exempt

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Section 120.384

Spend-down of Assets (MANG) (Cont'd.)

assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a month is not considered as an asset for that same month. If income for a month is added to a bank account that month, the department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following month(s) is considered as an asset.

2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes a backdated month(s), for the backdated month(s), the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for a backdated month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine spend-down status in each backdated month of eligibility.

3) Once the excess asset has been used to meet spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.

b) Community Cases (MANG)

To determine the spend-down obligation for MANG clients in the community, the Department will compare monthly countable income to the appropriate MANG standard and add any non-exempt assets in excess of the appropriate asset disregard to non-exempt monthly income in excess of the appropriate MANG Standard.

- 1) Regular MANG - Community Residents

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NOTICE OF ADOPTED AMENDMENTS

Section 120.384 Spend-down of Assets (MANG) (Cont'd.)

When an individual residing in the community, has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.

2) Spend-down MANG

A) When an individual resides in the community and has countable monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spend-down case. The spend-down amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset

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Section 120.384 Spend-down of Assets (MANG) (Cont'd.)

as he/she wishes as it has been applied to a met spend-down.

D) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Excess assets do not have to be reduced prior to the issuance of a medical card.

c) Group Care Cases

To determine the spend-down obligation for MANG clients in group care, the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.

1) Regular Group Care

When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate, the case is referred to as a Regular Group Care case. If monthly countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.

2) Group Care Spend-down

A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at the private pay rate, the case is referred to as a Group Care

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Section 120.384

Spend-down of Assets (MANG) (Cont'd.)

Spend-down case. The spend-down amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.

- B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

- C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

- D) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the issuance of a medical card.

(Source: Added at 14 Ill. Reg. 4233, effective March 5, 1990)

Section 120.390

Persons Who May Be Included In the Assistance Unit

- a) MANG(C)

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NOTICE OF ADOPTED AMENDMENTS

Section 120.390

Persons Who May Be Included In the Assistance Unit (Cont'd)

- 1) The assistance unit must include at least one eligible child or only an adult(s) caretaker relative whose eligibility is based on a child who is otherwise eligible except the child receives SSI. No more than two of the following individuals may also be included as adults:

- A) The caretaker relative;
- B) The spouse of the caretaker relative may be included only if the caretaker relative is a parent of one of the children and only if the spouse lives in the home. The parent of an eligible child;
- C) The needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children, who provides at least one of the following services:

- i) child care which enables the caretaker relative to work on a full-time (at least 100 hours per month) paid basis outside the home;

- ii) care for an incapacitated family member in the home;

- iii) child care that enables a caretaker relative to receive training full-time;

- iv) child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full-time; or

- v) child care for a period not to exceed two months that enables the caretaker relative to participate in a Project Chance (AFDC) work program such as Job Search.

- 2) The eligibility of a child in a Assistance unit depends on that child's lack of parental support

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Section 120.390 Persons Who May Be Included In the Assistance Unit (Cont'd)

or care. All eligible dependent children and stepchildren in a family unit shall be included in a single case, except in two-parent households where there are children of differing parentage, some of whom lack parental support or care because of the unemployment of a parent. In such a circumstance two separate assistance cases shall be established: one for both adults and children whose eligibility derives from their parents' unemployment and one for the remaining children. The provisions of this rule Section shall not affect the right of a child who is a parent to receive assistance in a separate case as a caretaker relative for his/her dependent child.

b) MANG(AABD)

The eligible person only shall be included in the assistance unit.

c) MANG(P)

The assistance unit shall only include pregnant women and infants under age one year who meet the eligibility requirements of Section 120.11.

(Source: Amended at 14 Ill. Reg. 4233, effective March 5, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section Numbers: 2720.30 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Public Law 101-239 and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f))
- 5) Effective Date of Amendments: March 1, 1990
- 6) Will this emergency amendment expire before the 150-day period? No
- 7) Date filed in Agency's Principal Office: February 26, 1990

8) The reason for emergency: On December 19, 1989, President Bush signed the Omnibus Budget Reconciliation Act (P.L. 101-239) which included a section known as the Student Loan Reconciliation Amendments of 1989. This act amended Part B of the Higher Education Act of 1965 (20 U.S.C.A 1071 et seq.) to require, *inter alia*, certain guaranteed student loans to be multiply disbursed in accordance with a disbursement schedule provided by the school. Section 428G of the Act (as amended) regulates how to calculate the disbursement schedules.

In January and February of 1990, the Department of Education issued several bulletins advising on the implementation of P.L. 101-239. The Department opined that if a school fails to provide ISAC with a valid disbursement schedule after March 1 1990, ISAC may not provide the lender with a valid disbursement schedule on the school's behalf unless the school has provided ISAC with a written authorization.

Within this short time frame, ISAC is not able to collect a written authorization from the 1,000+ schools that participate in the loan programs. In the absence of this Emergency amendment, ISAC would be required to return incomplete or inaccurate loan certifications to the schools for correction. This would result in serious delays in the processing of student aid applications and a corresponding decrease/delay in student enrollment. On the basis of the foregoing factors, ISAC finds that a situation exists which constitutes an "Emergency" within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

9) A complete description of the subjects and issues involved: As a condition of a school's participation in ISAC's Guaranteed Loan Programs, this rulemaking authorizes ISAC to correct invalid disbursement schedules provided by a participating school. This emergency amendment will not be adopted as a permanent amendment to Part 2720. Prior to the expiration of this emergency amendment, ISAC will collect individual written authorizations from participating schools.

10) Are there any proposed amendments pending on this part? Yes

Section 2720.10	Amendment	13 Ill. Reg. 18222
Section 2720.30	Amendment	13 Ill. Reg. 18222
Section 2720.40	Amendment	13 Ill. Reg. 18222
Section 2720.50	Amendment	13 Ill. Reg. 18222
Section 2720.70	Amendment	13 Ill. Reg. 18222
Section 2720.120	Amendment	13 Ill. Reg. 18222
Section 2720.210	New Section	14 Ill. Reg. 02300

11) Statement of Statewide Policy Objectives: Not applicable

12) The name, address and telephone number of the person to whom questions and information regarding this emergency amendment shall be directed:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, Illinois 60015

The full text of the Emergency Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

GUARANTEED LOAN PROGRAMS

SUBPART A: THE ROBERT T. STAFFORD LOAN PROGRAM,
PLUS PROGRAM, SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Institutional Eligibility
2720.30	Procedures for Obtaining a Guaranteed Loan
EMERGENCY	Procedures for Disbursement and Repayment
2720.40	Consolidation Loan/unLoan Program
2720.50	Preclaim Assistance
2720.55	Reimbursement Procedures
2720.60	Student Insurance Premium
2720.70	
2720.80	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
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APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq. the Education Loan Purchase Program Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.14a et seq. as amended by P.A. 85-1398, effective July 1, 1988), Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq. as amended by P.L. 101-239); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days.

SUBPART A: THE ROBERT T. STAFFORD LOAN PROGRAM,
PLUS PROGRAM, SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section 2720.30 Institutional Eligibility EMERGENCY

a) Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible. Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. See: 34 CFR 668.12 et seq.

b) Borrower(s) shall be responsible for the full amount of the loan if an Institution declares bankruptcy or ceases operation.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- c) When an approved Institution has a change of ownership, as defined by Federal Regulations, the Institution's Program Participation Agreement is terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreements with ED. See: 34 CFR 600.30 et seq.
- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED approved Origination Agreement, provided the agreement is on file with ISAC. See: 34 CFR 682.601.
- e) Approved Institutions shall provide ISAC with the current enrollment status of students the Institution certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.
- f) Approved Institutions must demonstrate the requisite administrative capability, as defined by Federal Regulations. See, e.g.: 34 CFR 668.14 et seq.
- g) Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.44.
- h) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Emergency amendment at 14 Ill. Reg. 4266 effective March 1, 1990, for a maximum of 150 days)

BOARD OF HIGHER EDUCATION

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Higher Education Cooperation Act
- 2) Code Citation: 23 Ill. Adm. Code 1010
- 3) Section Numbers:
1010.25 New Section
1010.30 Amendment
1010.40 Repealer
- 4) Notice of Emergency Amendments published in the Illinois Register:
December 29, 1989, 13 Ill. Reg. 20390
- 5) JCAR Statement of Objection to Emergency Amendments published in the Illinois Register:
March 2, 1990
- 6) Date agency submitted refusal to modify or withdraw to JCAR: February 19, 1990
- 7) Summary of Action Taken by the Agency:

The following response was provided to the Joint Committee on Administrative Rules:

The Board agrees with the objections of the Joint Committee on Administrative Rules. The Board rarely finds it necessary to adopt emergency rules and the staff was therefore not familiar with all of the limitations imposed upon emergency rulemaking. If the Board finds it necessary to make use of emergency rulemaking in the future, the Board will adopt only rules that are related to the existence of an emergency.

Because of the practical application of the Emergency Rules, however, the Board refuses to modify or withdraw the Emergency Rulemaking currently in effect. The objections of the Committee are related to relatively minor procedural issues and modification to the rules at the present time would serve only to confuse grant applicants. Both of the objections relate to post-grant processes and neither has been nor will be implemented during the effective period of the Emergency Rules. The text of the Emergency Rules is the same as that of the Proposed Amendments which were submitted simultaneously; the only question raised by the staff of the Joint Committee regarding the Proposed Amendments is not related to the Section to which the Joint Committee is objecting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 26, 1990, through March 2, 1990, and have been scheduled for review by the Committee at its April 3, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/13/90	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	1/12/90 14 Ill. Reg. 548	April 3, 1990
4/13/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	1/12/90 14 Ill. Reg. 538	April 3, 1990
4/16/90	Pollution Control Board, Performance Criteria (35 Ill. Adm. Code 306)	8/18/89 13 Ill. Reg. 13173	April 3, 1990
4/16/90	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)	11/27/89 13 Ill. Reg. 18025	April 3, 1990
4/16/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	12/8/89 13 Ill. Reg. 19117	April 3, 1990
4/16/90	Department of Public Aid, Support Responsibility of Relatives (89 Ill. Adm. Code 103)	12/8/89 13 Ill. Reg. 19180	April 3, 1990
4/16/90	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	12/8/89 13 Ill. Reg. 19130	April 3, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/16/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	12/8/89 13 Ill. Reg. 19146	April 3, 1990
4/16/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	12/8/89 13 Ill. Reg. 19157	April 3, 1990
4/16/90	Department of Conservation, Illinois Bicycle Path Grant Program (17 Ill. Adm. Code 3040)	1/12/90 14 Ill. Reg. 442	April 3, 1990
4/16/90	Department of Conservation, Illinois List of Endangered and Threatened Flora (17 Ill. Adm. Code 1050)	1/12/90 14 Ill. Reg. 455	April 3, 1990
4/16/90	Department of Conservation, Land and Water Conservation Fund Grant Program (17 Ill. Adm. Code 3030)	1/12/90 14 Ill. Reg. 478	April 3, 1990
4/16/90	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)	1/12/90 14 Ill. Reg. 491	April 3, 1990
4/16/90	Department of Revenue, Cigarette Tax Act (86 Ill. Adm. Code 440)	8/11/89 13 Ill. Reg. 12954	April 3, 1990
4/16/90	Department of Revenue, Cigarette Use Tax Act (86 Ill. Adm. Code 450)	8/11/89 13 Ill. Reg. 12964	April 3, 1990
4/16/90	Department of Revenue, Taxpayer Rights (86 Ill. Adm. Code 205)	1/12/90 14 Ill. Reg. 575	April 3, 1990
4/16/90	Department of Public Aid, Drug Manual (89 Ill. Adm. Code 141)	12/29/89 13 Ill. Reg. 20288	April 3, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/16/90	Department of Revenue, Motor Fuel Tax Regulations (86 Ill. Adm. Code 500)	8/18/89 13 Ill. Reg. 13201	April 3, 1990
4/16/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	1/12/90 14 Ill. Reg. 558	April 3, 1990

PROCLAMATION

90-49

LITHUANIAN INDEPENDENCE DAY

(Revised)

Whereas, the Lithuanian people are commemorating the 739th anniversary of the establishment of the Lithuanian state in the year 1251. On February 16, 1918, the independent state of Lithuania was reestablished by the free exercise of the right of self determination of the Lithuanian people; and

Whereas, the Soviet Russia in the Peace Treaty of July 12, 1920, officially recognized the sovereignty and independence of Lithuania, but its independence was interrupted by the notorious agreement between Hitler and Stalin; and

Whereas, the Soviet Union subjugated and forcibly annexed Lithuania in 1940; and

Whereas, the Lithuanian people are currently engaged in a courageous and determined struggle to regain their independence from Soviet occupation; and

Whereas, Lithuanian Americans have played a significant part in the progress of Illinois and have proudly shared their cultural heritage with us;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 16, 1990, as LITHUANIAN INDEPENDENCE DAY in Illinois in recognition of the contributions Lithuanian Americans have made to our state, and I join them in commemorating the anniversary of this special day of independence.

Issued by the Governor February 23, 1990.

Filed with the Secretary of State March 5, 1990.

90-69

SEARLE DAY

Whereas, Searle and Company is a worldwide research company based in Skokie, Illinois, with a dramatically expanding pharmaceutical product line; and

Whereas, Searle and Company employs 3,000 Illinois citizens, operates four facilities in Skokie, Mt. Prospect, and Elk Grove Village, and operates additional facilities in 100 countries. It ranks among the leading Illinois-based companies; and

Whereas, since beginning operations in Illinois, Searle and Company has made an important contribution to the continuing expansion of a prosperous Illinois economy; and

Whereas, Searle and Company and its chairman, Sheldon G. Gilgore, have been recently designated a "Point of Light" for the firm's Patient In Need program by President of the United States George Bush;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 6, 1990, as SEARLE DAY in Illinois, and

I congratulate this corporate good citizen on its success.

Issued by the Governor February 23, 1990.

Filed with the Secretary of State March 5, 1990.

90-70

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth." --Otto H. Kahn

Whereas, the arts serve an important role in the educational development of the youth of Illinois; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to recognize the accomplishments of art teachers and their students; and

Whereas, community organizations are also encouraged to take advantage of the opportunity to emphasize the enjoyment which can be derived through the creation and appreciation of art;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1990 as YOUTH ART MONTH in Illinois and encourage the support of our quality school art programs for our children and youth.

Issued by the Governor February 23, 1990.

Filed with the Secretary of State March 5, 1990.

90-71

AMERICAN HISTORY MONTH

Whereas, the Seventy-First General Assembly on July 17, 1959, specified that the month of February of each year be designated as American History Month in the State of Illinois; a month set apart to promote the study of American history; and

Whereas, the United States is one of the greatest industrial countries of the world. Its mineral and agricultural resources are tremendous, and it has practically all the resources necessary for self-sufficiency; and

Whereas, the United States has been referred to as the "melting pot" of nations as its population represents an influx of people from countries throughout the world; and

Whereas, the government of the United States is that of a federal republic, set up by the Constitution adopted by the Federal Constitutional Convention of 1787; and

Whereas, Americans should reflect upon their great heritage through the study of American history;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as AMERICAN HISTORY MONTH in Illinois. I urge all citizens to take note of this nation's heritage and growth, and those individuals who have contributed so much to American history.

Issued by the Governor February 27, 1990.
Filed with the Secretary of State March 5, 1990.

90-72

BUST MS MONTH

Whereas, multiple sclerosis is a major neurological disease with no known cause or cure, afflicting two million young adults worldwide and striking 200 more in this country each week; and
Whereas, Students Against Multiple Sclerosis is a national collegiate movement to increase public awareness of multiple sclerosis while establishing long-term fund-raising support for the National Multiple Sclerosis Society; and
Whereas, Students Against Multiple Sclerosis embodies the spirit of voluntarism and charitable giving; and
Whereas, the students at Northwestern University in Illinois have dedicated themselves to being part of the generation which can eradicate multiple sclerosis by involving their campus, community, and fellow citizens in educational and fund-raising events throughout March 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1990 as BUST MS MONTH in Illinois and call upon Illinoisans to support our students who are becoming involved in a major national cause, the movement to wipe out multiple sclerosis.

Issued by the Governor February 27, 1990.

Filed with the Secretary of State March 5, 1990.

90-73

CHILD FIND MONTH

Whereas, the Illinois State Board of Education believes that all students should have the opportunity to develop their potential; and

Whereas, the board recognizes that certain youths may need special assistance in reaching that potential; and

Whereas, "Child Find" is a campaign designed to identify handicapped children so that they can receive the proper help they need; and

Whereas, it is the board's duty to promote these sources of special education to the public and provide information regarding them;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1990 as CHILD FIND MONTH in Illinois in conjunction with the State Board of Education, acknowledging the importance of individual education for our handicapped youths.

Issued by the Governor February 27, 1990.

Filed with the Secretary of State March 5, 1990.

90-74

NEWSPAPER IN EDUCATION WEEK

Whereas, the purpose of Newspaper in Education Week is to encourage our students to develop the habit of reading, thereby becoming better informed and consequently better citizens; and
Whereas, newspapers demonstrate practical applications of skills learned in the school curriculum and serve as a medium that can also be used in the home enabling parents to assume an even greater role in educating their children; and

Whereas, many newspapers offer prepared curricula to supplement and update the information contained in textbooks such as international affairs, economics, and government; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 5-9, 1990, as NEWSPAPER IN EDUCATION WEEK in Illinois to increase awareness of the value of newspapers as an educational tool.

Issued by the Governor February 27, 1990.

Filed with the Secretary of State March 5, 1990.

90-75

SURGICAL TECHNOLOGIST WEEK

Whereas, the Association of Surgical Technologists, Inc. was officially certified as a non-profit educational organization in 1969 with the support of the Association of Operating Room Nurses, the American College of Surgeons, and the American Hospital Association; and

Whereas, the association's primary concerns center around ensuring that surgical technologists are educationally prepared to deliver quality patient care, which is accomplished through accredited surgical technology programs, national certification, and continued education; and

Whereas, surgical technologists are responsible for the environmental disinfection, safety, and efficiency of operating rooms, and their knowledge and experience with aseptic surgical techniques make them indispensable to the field; and

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 13-19, 1990, as SURGICAL TECHNOLOGIST WEEK in Illinois.

Issued by the Governor February 27, 1990.

Filed with the Secretary of State March 5, 1990.

90-76

ARTS EDUCATION WEEK

Whereas, the Illinois State Board of Education and the Illinois Alliance for Arts Education, in cooperation with the Illinois Arts Council and the Chicago Coalition for Arts in Education, are sponsoring the eighth annual Arts Education Week

March 17-24; and

Whereas, Arts Education Week is dedicated to the celebration and importance of music, theatre, dance/movement, literary, media, and visual arts in the total education of all students; and

Whereas, the purposes of this celebration are to promote an awareness of arts in education, to encourage cooperative efforts among all arts organizations and schools, to provide students with opportunities to highlight their accomplishments in a variety of arts experiences, and to provide a forum to demonstrate support of arts education;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 17-24, 1990, as ARTS EDUCATION WEEK in Illinois, and urge all citizens to join in this celebration and to support the creative future of our youth.

Issued by the Governor February 28, 1990.

Filed with the Secretary of State March 5, 1990.

90-77

LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1990, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor February 28, 1990.

Filed with the Secretary of State March 5, 1990.

90-78

LUTHERAN SCHOOLS WEEK

Whereas, since the Lutheran Church Missouri Synod was organized in 1847 and today serves more than 6,000 congregations across the country, including 521 congregations in Illinois; and

Whereas, the Lutheran Church Missouri Synod supports quality public and parochial schools and seeks to foster and nurture creative cooperation and understanding for the good of all students; and

Whereas, a sound education allows our children to pursue their goals and dreams;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 4-10, 1990, as LUTHERAN SCHOOLS WEEK in Illinois.

Issued by the Governor February 28, 1990.
Filed with the Secretary of State March 5, 1990.

ACTION CODES

JCAR - Joint Committee on Administrative Rules

- A** - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
- P** - Proposed Rule
PF - Prohibited Filing Ordered by JCAR
PP - Peremptory or Court ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 PART ACTION CODE ACTION CODE ACTION CODE
 TITLE PAGE NUMBER PREVIOUS VOLUME PAGE NUMBER ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13355/89; A-1233)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416)
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)
 8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
 8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-15942/89; A-1935)
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093)
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711)
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)

BANKS AND TRUST COMPANIES, COMMISSIONER OF (CONT'D)

- 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)
 80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627)
 80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037)
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
 92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)
 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
 92 Ill. Adm. Code 1710 Relocation Towing (P-2721)
 83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-16211/89; A-3454)
 83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-16219/89; A-3463)
 83 Ill. Adm. Code 755 Telecommunications Access for the Deaf (P-15157/89; A-3042)
 83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)
 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
 83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-14) (E-299) (P-3308) (P-16869/89; A-4126)

COMPTROLLER

- 2 Ill. Adm. Code 625 Access to Information (A-186)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3717)
 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-3720)
 17 Ill. Adm. Code 720 Dove Hunting (P-3743)
 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-15509/89; A-638)
 17 Ill. Adm. Code 510 General Hunting & Trapping on Dept.-Owned or -Managed Sites (P-3757)
 17 Ill. Adm. Code 3040 Ill. Bicycle Path Grant Program (P-442)
 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-455)
 17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478)
 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-3764)